

B O A R D O F I N Q U I R Y

IN THE MATTER of the Human Rights Code  
1981, c.54 as amended;

B E T W E E N :

CHIPPHENG HON

Complainant

- a n d -

ELIJAH ELIEFF

Respondent

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Hearing held at the Sheraton Armouries  
Hotel, 20th Floor Boardroom, London,  
Ontario on Monday, December 28, 1992

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AJIT JOHN, ESQ. CHAIRMAN

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APPEARANCES:

Ms. G. R. Sanson

Counsel for the commission

Ms. Chippheñg Hon

Appearing on her own behalf

Mr. Elijah Elieff

Appearing on his own behalf

Ms. Chanthy Long

Interpreter (Cambodian language)

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BOARD OF INQUIRY

T A B L E O F C O N T E N T S

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<u>Witness</u>	<u>Ex. In-ch.</u>	<u>Cr-Exam.</u>	<u>Re-Exam.</u>
Zoranco ELIEFF	6		
Irina SUCUR	31		
10 Mike SUCUR	71	50 (Sanson)	69
		111 (Hon)	
		112 (Sanson)	125
Sultana ELIEFF	129	142 (Sanson)	154

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Upon commencing at 12:00 p.m.:

5 THE CHAIRMAN: This is the continuation of the Board of Inquiry hearing, the style, Chippheng Hon, complainant, and Elijah Elieff, respondent. The complaint number is 200-177S. The last hearing was on November 27th, 1992. The audience present today are: Ms. Hon with her Cambodian translator, Ms. Long. The commission is represented by Ms. Sanson, and the respondent, Mr. Elieff, is here appearing on his own behalf. There are a number of witnesses to be heard from today. Mr. Elieff will be leading his witnesses and has provided the Board with a list of the witnesses he intends to call. I would ask those witnesses whom you intend to call to leave the room until 15 they have given their evidence, after which they can sit in. So, Mr. Elieff, could you just guide me in this? I don't know who is here whom you will be calling.

20 MR. ELIEFF: Yes, Zoranco will finish what he has to say and then I call next on the list.

25 THE CHAIRMAN: All right, so all of the people who are going to be giving evidence, could you please leave the room? Just for the record, could I have the names of the people who are here, members of the public? This is a public hearing and you are entitled to be here, but just for the record, could I have your names please?

30 A. Hank Daniszewski, The London Free Press.

THE CHAIRMAN: How do you spell your last name?

A. D-a-n-i-s-z-e-w-s-k-i.

THE CHAIRMAN: Hank?

A. Yes.

THE CHAIRMAN: Yes?

A. I guess he's a witness, so I am Robert Metz,

M-e-t-z.

THE CHAIRMAN: Do you represent an agency or an organization?

A. I am with the Freedom Party of Ontario.

THE CHAIRMAN: Okay.

A. Jack Plant.

THE CHAIRMAN: Do you represent any organization?

A. The Freedom Party.

THE CHAIRMAN: Okay.

A. Robert Vaughan, also the Freedom Party of Ontario.

THE CHAIRMAN: V-a-ù-g-h-a-n?

A. That's correct. I'm Dan Leonard, I'm lending moral support.

THE CHAIRMAN: A friend of Mr. Elieff's. Yes, what is your name?

A. Danny.

THE CHAIRMAN: Danny, your last name, Danny?

A. Sucur, S-u-c-u-r.

MR. ELIEFF: He is too small to use as a witness, what the children doing there?

THE CHAIRMAN: How old are you, Danny?

A. Ten.

THE CHAIRMAN: All right.

5 MS. SANSON: The Commission has some preliminary matters that I would like to deal with.

THE CHAIRMAN: Sure, go ahead, Ms. Sanson.

10 MS. SANSON: The Commission is concerned about the disorder of the proceedings at the outset of today's hearing and would call upon the Board to confirm the proper conduct required at a hearing by all persons in attendance at the hearing. I would like to refer the Board specifically to your powers under the Statutory Powers of Procedure Act which governs this proceeding. 15 Section 9 states, "A hearing shall be open to the public except where the tribunal is of the opinion that ...", sub. 2, "... a tribunal may make such orders or give such direction at a hearing as it considers necessary for the maintenance of order at the 20 hearing and, if any person disobeys or fails to comply with any such order or direction, the tribunal or a member thereof, may call for the assistance of any peace officer to enforce the order or direction, and every peace officer so called upon shall take 25 such action as is necessary to enforce the order or direction, and may use such force as is reasonably required for that purpose." Section 10 sets out the rights of a party to a proceeding that they may be represented by a counsel or an agent and call and 30 examine witnesses and present arguments, and the part dealing

specifically with the rights of the parties, and then Section 11 sets out the rights of witnesses to counsel, "A witness at a hearing is entitled to be advised by counsel or an agent as to his or her rights, but such counsel or agent may take no other part in the hearing without leave of the tribunal".

MR. CHAIRMAN: If I might just interrupt here, will any of the witnesses that you will be calling have an agent or anyone representing them?

MR. ELIEFF: Just my witnesses.

MR. CHAIRMAN: All right, go ahead, Ms. Sanson.

MS. SANSON: Section 13 sets out the Board's powers to initiate contempt proceedings where, "Any person without lawful excuse says anything that would, if the tribunal had been a court of law, having power to commit for contempt, have been in contempt of that court". Section 23, "A tribunal may make such orders or give such directions and proceedings before it as it considers proper to prevent abuse of its process", and that includes subsection 3, "A tribunal may exclude from a hearing anyone other than a barrister and solicitor qualified to practice in Ontario, appearing as an agent on behalf of a party, or as an advisor to a witness, if it finds that such person is not competent to properly represent or to advise the party or witness, or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser".

So, specifically with respect to Section 9, the

Board has the power to exclude persons from the hearing if it is necessary to do so in order to maintain order at the hearing.

I would also refer the Board - I don't have the case here with

5 me - it is Johnson and East York Board of Education, and that's

the cite for that I believe is 9 CHRRD/4791, and it is my

understanding that in that case, the Board in fact excluded the

witness complainant who was out of order during the course of

10 the hearing. The other section that I would refer the Board to

is the appointment section found under the Code, which is S.38(2),

"A member of the Board hearing a complaint must not have taken

part in any investigation or consideration of the subject matter

15 of the inquiry before the hearing and shall not communicate

directly or indirectly in relation to the subject matter of the

inquiry with any person or with any party or his representative,

except upon notice and opportunity for all the parties to partici-

20 pate". And I have some concerns in that regard. "I would ask

specifically that Zoranco Elieff not approach the Board unless

all of the parties are present or any other person that is in

this room at this time.

THE CHAIRMAN: Thank you. On the break I did have

25 an opportunity to review the Statutory Powers Procedure Act as

well and I appreciate your bringing this to the attention of the

entire hearing today. Those are important things to remember,

these are the statutes of the legislation of the province, and I

30 am empowered to enforce them. Okay, are there any other prelim-

inary matters we must deal with?

MS. SANSON: I have no other matters, thank you.

MR. ELIEFF: Just continue.

5 THE CHAIRMAN: All right, Mr. Elieff, you may proceed with your witnesses.

MR. ELIEFF: Zoranco will be the next witness.

10 ZORANCO ELIEFF: SWORN

EXAMINATION IN-CHIEF BY MR. ELIEFF:

15 Q. Because I was accused by Mrs. Hon that she felt she was forced to move from one bedroom into two bedroom, saying that she had no money, no resources to find herself better place, better landlord, so I bring my witness, Zoranco, to show in pictures that she is not as poor as she told us that she was. And I want my witness, Zoranco .....

20 MS. SANSON: I have an objection before the witness answers.

MR. ELIEFF: ... to show those pictures.

THE CHAIRMAN: I hear you.

25 MS. SANSON: It is not my understanding that it was Chippeng Hon's evidence that she was forced into a two bedroom unit. It is my understanding that her evidence was that she requested a two bedroom unit and had to wait some time in order to get that.

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MR. ELIEFF: I check here, it says, "I had no choice", and that tells me she's poor, she got no choice to find herself ....

5 THE CHAIRMAN: Mr. Elieff, you are looking at the complaint itself.

MR. ELIEFF: Yes, number 2, it says, "I had no choice but to stay".

10 THE CHAIRMAN: I believe, Mr. Elieff, that she was referring there to apartment 17. Is that correct, paragraph (2) of the complaint?

15 MR. ELIEFF: Yes, number 17, but then she was telling in her testimony and Susan Eagle was pointing out that she got no resources to find herself another accommodation and so she was still being forced to stay in my apartment building. That's why I have a few things to show my witness that she is not that bad situation that she was pretending to be.

20 THE CHAIRMAN: Mr. Elieff ...

MR. ELIEFF: That's what my witness will present.

25 THE CHAIRMAN: I was reviewing some of the evidence that has been heard by the Board previously and I do recall your asking the complainant on cross-examination why it was that she did not move from the apartment building and she gave a lengthy response to that. You can ask the witness the same question if you wish, but the answer has already been given by the complainant  
30 herself.

MR. ELIEFF: Yes and my point is that she is a lot better situation than she said she was.

5 THE CHAIRMAN: And you are free to give that evidence when you give your own evidence personally, but if there is a question you would like Zoranco to answer, please ask him.

10 MR. ELIEFF: I want him continue whatever he has to say, what's been going on with this tenant or any other tenant, whatever he has to say.

A. Could I just speak for myself?

15 THE CHAIRMAN: Wait, just answer the question that your father is asking.

MR. ELIEFF: Q. My question is, Zoranco, tell us any more?

20 A. First of all I would like to submit these pictures I have taken from the apartment while doing some repairs along the window, along the patio door, and these are just - could I submit these?

MS. SANSON: I've never seen them.

A. Do you want to see them?

25 THE CHAIRMAN: Sure, just pass them around. And when were those taken?

A. It is on the back, one of them should say, December 22nd or 23rd, one of those two days.

THE CHAIRMAN: 1992?

30 A. Yes.

THE CHAIRMAN: All right and in which apartment?

A. Apartment 18, 105 Cheyenne.

THE CHAIRMAN: 105, has counsel had time to ...?

5 MS. SANSON: December 18th or 19th of this year

you were in taking pictures?

A. 22nd or 23rd.

MS. SANSON: 22nd or 23rd?

A. One of those two days, I can't exactly recall.

MS. SANSON: You were in taking pictures?

A. Not specifically in. I had a camera in my  
pouch, okay. I went in, I did repairs, as you can see one of  
those pictures has what I was painting, along the window frame -  
15 right here - I was doing repairs as you can see. I was in the  
process of doing work here, and that's when I decided to take  
pictures of the state of her apartment and the way that all the  
heating elements were blocked in by boxes and by bags.

MS. SANSON: I don't see any heating elements here.

A. Well I'll tell you, but first take a look at  
the pictures.

THE CHAIRMAN: Ms. Sanson, if you could just let  
25 me know if there is any objection to the admission of those  
photographs at this point.

THE CHAIRMAN: Could I have your name, sir?

A. Yes, I'm Rev. Peter Hoyle from the United Church  
30 of Canada. I work with Susan.

THE CHAIRMAN: Thank you.

MS. SANSON: It appears to the Commission that these photographs were taken without the consent of the complainant, or without any notice whatsoever. Some of the items are pictures taken at 4:30 when Chippheng's husband went to pick up his wife and children.

A. That was another ....

THE CHAIRMAN: Just a minute, Zoranco.

MS. SANSON: I have concern about the legality of these pictures, of admitting evidence that was taken without the consent of the complainant.

THE CHAIRMAN: Off the record for a minute.

(DISCUSSION OFF THE RECORD)

THE CHAIRMAN: I have some difficulty in accepting the photographs as exhibits because they were taken without the permission of the tenant.

A. Sir, I wasn't breaking and entering, okay. I was working work.

THE CHAIRMAN: Let me finish.

A. Okay.

THE CHAIRMAN: On those grounds I am reluctant to admit those photographs as exhibits and any evidence that you give concerning that visit is of a different nature. I will hear submissions on that.

A. Well can I say what I saw?

THE CHAIRMAN: Let me just finish.

A. Okay.

THE CHAIRMAN: So the photographs at this point

5 cannot be entered as exhibits. Lets deal with the other evidence  
that you intend to give.

A. Okay, but can I not say what I saw in her  
apartment?

10 THE CHAIRMAN: Not until I hear the parties out  
on whether this evidence is admissible at this hearing.

A. Okay.

THE CHAIRMAN: Mr. Elieff?

15 MR. ELIEFF: Why not, he's continuing his evidence.

A. Sir, what I am trying to say here is ....

THE CHAIRMAN: Zoranco, unless I ask you to speak

I am going to have to ....

A. All right, okay.

20 MR. ELIEFF: He's continuing, right, so it is all  
really continuation. How can they say it is not within the law?

THE CHAIRMAN: Mr. Elieff, Mr. Elieff. If you will  
remember, the evidence that he gave of which his testimony today  
25 is a continuation, 'is evidence that he had ...

MR. ELIEFF: Doesn't have to be exact stuff.

THE CHAIRMAN: Let me finish ... evidence that he  
had on the day of the first hearing, which was November 16th, 1992,  
30 and we made allowances for Zoranco to take the stand again to

complete the evidence he was to give on November 16th. I have great difficulty in accepting his evidence which was obtained subsequent to November 16th.

5 MR. ELIEFF: Those events I will give to you then. I am using him to give evidence for me. If not, then we are going to take it in the courts of law, higher courts.

10 MS. SANSON: We are in a court of law, Mr. Elieff.

10 MR. ELIEFF: A higher court we will go.

THE CHAIRMAN: You can appeal my decision.

MR. ELIEFF: Oh yes.

THE CHAIRMAN: To another court...

15 MR. ELIEFF: Don't you worry.

15 THE CHAIRMAN: ... on this point of the photographs and the evidence that he has obtained subsequent to November 16th. Do you have any other submissions to make about ...

20 MR. ELIEFF: How come Eagle represented everything new stuff in the past two days?

THE CHAIRMAN: The 27th ...

MR. ELIEFF: Yes and then she came the next day.

25 MS. SANSON: Zoranco, I would ask that you not speak. It is your dad who is a party who should make the submissions.

THE CHAIRMAN: Mr. Elieff, when Ms. Eagle was giving her evidence on the 27th it was the evidence ...

30 MR. ELIEFF: Extra evidence.

to give that evidence when your father asks you questions, okay.  
Right now, I am just dealing with the admissibility of your  
evidence related to this recent visit.

5 A. Okay.

THE CHAIRMAN: We are just dealing with the admiss-  
ibility of that evidence.

A. Okay, well ....

10 THE CHAIRMAN: You can answer those questions later  
when your father starts asking questions.

A. But it is not him asking me questions, it is ....

15 MS. SANSON: I would ask that the witness be  
excluded until we have dealt with the submissions and the ruling  
in that regard.

THE CHAIRMAN: Zoranco ...

A. Okay.

20 THE CHAIRMAN: ... just on this point, we will be  
dealing with the admissibility question, could I ask you to  
leave and we'll call you back when your father is going to ask  
you questions again. Okay, can I ask you to leave?

A. Okay. Can I take my photos too?

25 THE CHAIRMAN: Yes, you may take your photos.  
We will call you back as soon as we finish.

A. I know, but I just want to say what was going on.

30 THE CHAIRMAN: That's fine, but we don't want to  
hear anything about it now.

A. Okay, I'll leave.

MR. ELIEFF: Now what?

5 THE CHAIRMAN: We are just dealing with the question  
of the evidence that Zoranco will be giving today. I have made  
it clear that any evidence that he obtained after November 16th  
cannot be admitted today.

10 MR. ELIEFF: The apartment has been this way since  
she moved in. Everything all ....

15 THE CHAIRMAN: The rules of evidence are very  
clear and the principle of fairness behind it, Mr. Elieff. The  
premise is simply this: Before November 16th Zoranco was excluded  
from this hearing while the evidence was being given. After the  
16th he was present during the hearing; he heard what other  
parties said, what other witnesses had said, and the unfairness  
of having him come back to give evidence that he has obtained  
after the 16th is simply this, that his evidence would then be  
20 tailored ... let me finish ... to the evidence that was given,  
hence the basic principle of fairness. So the arrangement we  
reached on the last hearing day was to allow Zoranco to come back,  
speak to matters that he had knowledge of before November 16th, is  
25 that clear?

MR. ELIEFF: When I am allowed to say what I have  
to say at last ...

THE CHAIRMAN: Yes.

30 MR. ELIEFF: ... then these events are okay then,

right?

THE CHAIRMAN: You can say whatever you want then.

MR. ELIEFF: For sure.

THE CHAIRMAN: Ms. Sanson?

MR. ELIEFF: Now ...

THE CHAIRMAN: Just a minute, I want to hear from Ms. Sanson on this.

MS. SANSON: I would like to deal first of all with the evidence of Susan Eagle, and as the parties may recall, the first day of hearing it was certainly the Commission's understanding that it was to be a hearing day to explain the process and set further dates. And the Board asked that we attempt to use the day and proceed with as much of the evidence as we could. Susan Eagle gave her evidence and specifically referred to items that she had in her files that she would have brought to the hearing had she known we would be proceeding with her evidence, and the Board ruled that he would allow that evidence and that evidence was filed. With respect to the one item, I would draw to the Board's attention that in fact there were current photographs that we taken that were used as a comparison of the 1987 photographs, so that photographs were taken the morning that Ms. Eagle gave evidence. I would suggest to the Board that the Board has the power to take a view. It is certainly open to the Board, if the Board feels it's relevant and necessary for the purposes of this proceeding, to take a view of the apartment and the entire

apartment. The pictures, the updated pictures, were the same pictures of pictures taken in 1987, shown for the purpose of comparison in terms of the continuing deterioration. With respect to Zoranco's evidence I would submit that at the time the issue was raised I said that there was no basis for having Zoranco Elieff recalled, that he had given his evidence completely and fully, he didn't have any concerns at the time, and then afterwards said that he had been tired that day and wanted to complete his evidence. Well I certainly - in not making a big issue of it at the time, I said, "Fine, if Zoranco Elieff wants to come back and feels that there is a point that he has missed at that time, so be it". Well we are now getting into a whole completely new area of what I understand the parties to be, not only going out and getting new evidence, but going into the apartment of the complainant, which I would suggest may be unlawful in and of itself, without the consent of the complainant, and taking photographs without her consent or her knowledge.

THE CHAIRMAN: Let's deal with the issues in reverse order. The issue of his entry to the apartment is a separate issue. I think from the evidence given briefly, Zoranco did not barge into the apartment. There was some permission granted for him to come in and make repairs. The question that disturbs me, the issue that disturbs me is the issue of taking photographs, for which he did not have permission, and I have already commented on that.

MR. ELIEFF: I ask him to do so.

5 THE CHAIRMAN: That may be the case, Mr. Elieff, but he did not have the permission of the tenant to take those photographs. That issue aside, I've already made a ruling on that, I don't want to revisit that. Another issue has come up and that is the power of the Board to adjourn proceedings and to inspect the premises if it would be helpful.

10 MR. ELIEFF: In person?

THE CHAIRMAN: Yes.

MR. ELIEFF: Let's go there, let's go there.

Please, please so that.

15 THE CHAIRMAN: I am willing to hear submissions on that.

MR. ELIEFF: Please do that.

20 THE CHAIRMAN: Please, it would assist me greatly to understand why visiting the apartment at this time is germane to the issues before the Board, and I'll restate the issue ....

MR. ELIEFF: That's in my notes. I was going to ask the Board for that anyway.

25 THE CHAIRMAN: Let me just restate the issue. The complaint relates to an incident in 1989 ...

MR. ELIEFF: It's not one incident, sir, it is a whole range of incidents.

30 THE CHAIRMAN: Let me finish. The allegation is that there was discrimination in 1989. The second is that there

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do we have the business records but we have the firsthand evidence of Tom Partalas in having viewed the apartments over an extensive period of time and can comment on the state of repair of the buildings, which is one of the issues in this complaint. I am not sure what taking a view would add to the proceedings at this point, given the evidence that has already been heard by this Board.

THE CHAIRMAN: Ms. Hon, do you have anything to add to this issue of whether it would assist the Board in attending at your apartment to view the apartment personally?

MS. SANSON: I would also add that it is my understanding that Mr. Elieff has been in doing repairs also to the apartment, obviously as we've heard from Zoranco, since the hearing has began and once again, I question the relevancy. Is that to introduce that yes in fact the apartment, you know, has been repaired, and has always been repaired? I mean, anything that has occurred since the hearing has began I question what the purpose of tendering this kind of evidence at this point would be?

THE CHAIRMAN: Okay, Ms. Hon?

MS. HON (Through the interpreter): I have one thing to say. The apartment has been fixed for these past few weeks, that they have come and fix the place so the place not as bad as before because they have come and fix the place. So she say that if they would go and look at the apartment now it would look better than before because they have recently come and fix the place.

MR. ELIEFF: See, this Board will have a chance to see the place, see our views concerning the place and see their views concerning the place. We are not going to argue about what we fixed at the time. Please do. That's what I was going to ask at the end.

THE CHAIRMAN: Well I have some difficulty in acceding to your request to adjourn the proceedings and to attend the apartments. The difficulty is this, first of all, the purpose of the section of the Human Rights Code which establishes the Board, is to deal with complaints as expeditiously as possible. The current history of complaints coming to the Commission is fraught with numerous delays, some of them several years in duration. I have some difficulty in adjourning these proceedings to do something which may not be necessary. I want to continue by speaking to the issue of whether it is necessary for this hearing. The evidence which was given about the condition of the apartment from 1989 to the date the complaint was filed is of vital concern to the Board. This is the most important issue to the Board in determining whether infringement has taken place. For that we have heard evidence from Mr. Partalas who was acting on behalf of the duly appointed municipal department and I think his evidence is sufficient for this Board's purpose in determining whether any infringement took place between 1989 and the time the complaint was filed. There has been some evidence given today that repairs have indeed taken place. If they have, well

and good, that's great.

MR. ELIEFF: That's not the point, sir.

5 THE CHAIRMAN: Let me finish please. I do not believe that the Board is going to be assisted in determining what repairs were made between 1989 and the date the complaint was filed by attending today and adjourning the proceedings. Go ahead.

10 MR. ELIEFF: I am arguing she is the cause of at least 50 percent of the problem, therefore this Board's eyes can see what I mean. Choking the radiators, the moisture is created on the window, the paint is peeling, everything is getting rotten and it continues me spending money and time to repair and they don't give a damn. At least ten beds are still there, six of them, that's where you have to come and see.

15 THE CHAIRMAN: Well with all respect, Mr. Elieff ...

MR. ELIEFF: I've got one more point, sir.

20 THE CHAIRMAN: Sorry, go ahead.

MR. ELIEFF: I don't want to be taken like Jesus Christ and be crucified in a hurry, okay. Don't try to crucify me in a hurry. Let justice be done.

25 THE CHAIRMAN: Okay. The Board has already heard from a number of witnesses and the most important of whom has been Mr. Partalas, who as a professional, has inspected it. The Board has received numerous documents of reports and descriptions of disrepair and repair, and in my view the Board has sufficient

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5 information on which to make its decision. I do not believe that anything is to be gained by adjourning these proceedings now and reconvening at the site to view the apartment, and that is my decision.

MR. ELIEFF: If that's your decision, then you are siding more with her than with me. That's fine, let's proceed then. Can I call my witness?

10 THE CHAIRMAN: Yes, let me just see. I've made my ruling on whether or not to adjourn. We are ready to continue with Zoranco, hearing his evidence of any matters that he was not able to speak to related to what he knew prior to November 16th. Is that clear?

15 MR. ELIEFF: Yes, let's begin.

THE CHAIRMAN: Shall we proceed?

MS. SANSON: Certainly. Thank you.

20 THE CHAIRMAN: Zoranco, I have just finished saying that your father is free to ask you questions ...

A. Can I make a statement prior to that?

25 THE CHAIRMAN: Please. ... ask you questions about matters that you did not speak to earlier on your first day of giving evidence.

A. Right.

THE CHAIRMAN: But matters related to your knowledge of the apartments and the events ...

30 A. Okay.

THE CHAIRMAN: ... prior to November 16th. Okay?

A. Okay, yes, but can I make one statement?

THE CHAIRMAN: Please, make your statements and

5 answer the questions.

A. Yeah I know, I just want to make one statement first. Like I just want to say something about the Free Press, like this is ....

10 THE CHAIRMAN: Zoranco, I would like to be able to hear your comments about the Free Press, but the Free Press is not on trial here.

A. Uhm hm.

15 THE CHAIRMAN: ... and if your father wants to ask you questions relating to incidents there that you know about, then he is free to ask you.

A. Well I am just trying to say that the Free Press has made direct statements from my dad, he's calling the tenants pigs and all that. But Mr. Bender, he wrote an article that says here, "Van Moorsel testified he had tooked down Elieff's remarks in shorthand and probably also has a tape recording". I feel it is necessary for you to get the clear picture of what is happening is for him to bring in the tape recorder of what he said and how it came about of him saying what he said, and with respect to what the reporter, you know, how the whole picture came to place, because he just :.... These statements aren't true.

30 MS. SANSON: I'm going to object, once again.

A. All right, like he should bring in the tape ....

MS. SANSON: Zoranco Elieff ... Could I speak please?

5 THE CHAIRMAN: Just a minute, Zoranco, Ms. Sanson, I'm going to hear his question and then I will give you a chance to respond. Go ahead.

10 A. Why doesn't he bring in the tape recording of the whole conversation? That's what is the backbone of this whole situation I feel because if you are just going to see what he tells the public or worrying what he says, he should have the whole conversation taped, as it says he should have in his possession, and I think it is very important so you can get the clear picture of what remarks were said and how they were said.

15 THE CHAIRMAN: I see your point. I have some comments to make but if there is anything else, Ms. Sanson, or Ms. Hon or Mr. Elieff.

20 MR. ELIEFF: I would ask this question later on, when they show me these tapes and everything else. You just finish whatever you have to say. Do you have something else to say?

25 THE CHAIRMAN: Just a minute, just the point of the tapes. Ms. Sanson, do you have any comment?

30 MS. SANSON: The first point is that the questions that is directed to Zoranco Elieff I would hope will be questions that he can answer. He cannot answer questions about whether or

not Greg VanMoorsel has a tape. Greg VanMoorsel was here, gave his evidence under oath as to how he writes his news articles, his practice and the quotes that were in there. We heard Mr. VanMoorsel's evidence, Mr. VanMoorsel's evidence is finished. They had the opportunity to question. The second point is that, once again I will ask this Board to not entertain submissions from anyone who is not a party to this proceeding and that we proceed to hear if Zoranco has any evidence that bears on the issues and that we hear only the evidence and not any more submissions from Zoranco Elieff.

MR. ELIEFF: Q. Zoranco, if you know some more about this, the condition of number 17 and number 18, and if you know the treatment, mine or all of my family, with this tenant of ours, Ms. Hon, tell us all about it, how we treat each other and how was the place that she moved in? Just say something more about this and that's all.

A. Well Ms. Hon, like she as far as I know, like she's very happy with the units, like she's never complained, and she's always in a happy state of mood whenever she sees me or my mom or my dad, like she never says, "This apartment is full of roaches", or "It's not painted" or whatever the allegations are. She never made any kind of complaints whatsoever and the very first time I ever heard a complaint from her was from Susan Eagle and the Free Press, or else with the Health Department with their issuing orders. Like it is just, as I said before, the

tenants, the tenants, like I had a new order issue from Partalas and none of the tenants have told us anything about the defects they had here and all their small stuff. And not only that, but the stuff in the orders, a lot of the stuff wasn't true, because when I went there he issued the order on November 30th and December 1st. He went to the apartment and Susan Eagle went with a news crew. And I went through this article here, I went to the apartments that had leaking waters and all that and a lot of these, a few of these units which says defective and leaking water and all that, I went to these units, and about three of those units had no problems whatsoever. I am not sure where they got their information of leaking water or whatever.

THE CHAIRMAN: What is the date of that report?

A. It was from - it was made November 30th and December 1st, 1992.

MS. SANSON: Are we into recent evidence again?

A. No it is not recent, it's all I am saying is they are not ...

THE CHAIRMAN: Zoranco ...

A. ... they are not coming to us.

THE CHAIRMAN: All right, I see your point but ...

A. It is from the beginning to now, it's all the same process.

THE CHAIRMAN: Is the date of the report November 30th, 1992?

A. Yes.

THE CHAIRMAN: And I said when you took the stand  
again ...

A. Yes, what I am saying is ...

THE CHAIRMAN: ... the operative date is November  
16th.

A. Right.

THE CHAIRMAN: If you have direct knowledge of  
anything prior to November 16th, 1992 you are free to tell us.

A. Well that's what I'm saying, the work orders,  
that's all, were prior to that date.

THE CHAIRMAN: All right.

A. They follow the same process. They don't come  
to us.

THE CHAIRMAN: If you want to make a direct refer-  
ence to any previous report ....

A. Well I don't have that in reference, that's  
the problem.

MR. ELIEFF: Q. Okay, one more thing, last thing,  
Zoranco. Here I am accused personally by Ms. Hon that in saying  
to her some bullshit things around good girl, bad girl and blah,  
blah, blah, and she hated me for it and she didn't like all of  
that she claimed. If that was so I believe that she would not be  
so nice to me and all my family. Therefore, say something more  
about it, her ....

MS. SANSON: I have an objection. Objection.

THE CHAIRMAN: Okay, let's hear the objection please.

5 MR. ELIEFF: What's objection?

MS. SANSON: We have just heard Mr. Elieff's evidence and he's asking Zoranco to comment on his evidence and this is not a proper question.

10 MR. ELIEFF: Okay.

THE CHAIRMAN: Rephrase the question without reference to any of your own evidence, you can ask him that question without referring to your evidence.

15 MR. ELIEFF: Q. Okay, say all that you know how we were treating each other, Zoranco, we as a family, me and her and her family?

A. Well as I said, I'm sure I said it before, like not once have I seen Chippeng in a despair mood whatsoever. She's always in a happy mood, saying "hi" whenever she sees me around the hallways or else my mom's wall. She has never at all complained about nothing about these allegations she has put forth to this commission to any of us. And that's the very first time I ever heard of these complaints, was through this commission. Like each time I see her with her kids she is always in a happy mood, okay. She's never depressed as she's stated, like in her comment that she feels she's trapped and all this or she's got nowhere to go. That's, like I never saw that

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when I personally saw her and spoke to her, whenever I see her  
throughout he halls.

THE CHAIRMAN: Zoranco ...

MR. ELIEFF: Q. Thank you, Zoranco, that's all.

THE CHAIRMAN: That's all? That's all the questions  
you have?

MR. ELIEFF: That's the end of him. Thank you,  
Zoranco, you may leave.

THE CHAIRMAN: No, no. We are not finished with  
him yet. Ms. Sanson has some questions perhaps.

MS. SANSON: Actually I have no further questions  
on cross-examination.

THE CHAIRMAN: Okay.

A. Can I say something off the record?

THE CHAIRMAN: Just a minute. Does Ms. Hon have  
any questions for Zoranco?

A. Why can't I say anything off the record? Why  
not?

MR. ELIEFF: You are done.

MS. LONG: She has no questions.

THE CHAIRMAN: We can go off the record for a  
minute.

(DISCUSSION OFF THE RECORD)

MR. ELIEFF: Call Irina.

ZORANCO ELIEFF: I can stay here, right?

THE CHAIRMAN: Yes you can stay.

IRINA SUCUR: SWORN

EXAMINATION IN-CHIEF BY MR. ELIEFF:

THE CHAIRMAN: Could you spell your name please?

A. First name or last?

THE CHAIRMAN: Both.

A. Irina, I-r-i-n-a, S-u-c-u-r.

THE CHAIRMAN: Proceed.

MR. ELIEFF: Q. Ms. Sucur, do you recall when did you move in apartment number six, 105 Cheyenne? 1985?

A. Yes, June, 1985.

THE CHAIRMAN: Apartment number six?

A. Yes.

MS. SANSON: When?

A. June, 1985, or July. It was too many years ago.

THE CHAIRMAN: That's fine.

MR. ELIEFF: Q. Did we have any Asian tenants at that time?

A. No.

Q. Did we have any coloured, blacks or other coloured people there?

A. No.

Q. So they were all white Canadians?

A. Not really. You had Polish people .... Well I can't say all Canadians, like they were by their colour caucasian people, but what nationalities they were I wouldn't say because some were recently most in Canada.

Q. Did we have any cockroaches then, Ms. Sucur?

A. No.

Q. No cockroach whatsoever? At that time when you move in do you remember the superintendent of mine?

A. Well I don't know his name but I know ...

Q. Glen Albright?

A. Yes he was living on the second floor.

THE CHAIRMAN: You must let her answer the question. You cannot finish answers, okay.

A. I don't know his name, I know he was living on the second floor. She was Canadian.

MR. ELIEFF: Q. She was cleaning lady, not superintendent.

A. Yes she was cleaning lady and you had another superintendent in the other building.

Q. As a tenant as you moved in, anything before I start renting to the Cambodians and Vietnamese, you became to be cleaning lady yourself, right?

A. Well first that lady, I don't know how long she was - she had to move out of town I think, I don't know. She had

to move.

Q. Why did she move?

A. Well I can't remember those things. I never  
5 even talked about - come here.

Q. Has she complained to you anything about ...

A. No the lady was cleaning once a week. I could  
see her running with the vacuum.

10 Q. Okay, no cockroaches, everything was in fair  
shape?

A. Was clean I can say. But when she moved units  
I wanted to clean so at that time, so only I was working, so me  
and my husband decided we could take only once a week the regular  
15 lady's cleaning and that was fine.

Q. So shortly after you took cleaning lady job  
I started to rent to Vietnamese.

A. It wasn't that soon. It wasn't.

20 Q. What happened when I said, "Irina, I'm going to  
rent a couple of apartments to a couple of Vietnamese families"?

A. Well later on ....

Q. What did you said to me then?

25 MR. CHAIRMAN: Let her finish.

MR. ELIEFF: Q. Answer the question.

A. I start cleaning after that. I was okay, it  
was fine but later on start troubles in there. Like people didn't  
30 like me because I was from same country as Elijah. They start

leaving their garbages under the stairs instead of taking them outside, once in a while, certain times, not all the times.

5 Q. Who were those tenants that didn't like it that you were Macedonian, as I am Macedonian?

A. Oh well, there was one group of people.

Q. They were Canadians, right, white collar Canadians?

10 A. They ...

THE CHAIRMAN: Let her answer the question.

A. They were Canadians and they were creating once in awhile problems, like they wouldn't like to pay their rent, that something is broken is not repaired.

15 THE CHAIRMAN: These were Canadian tenants?

A. Yes, but then when something been repaired, they would break another thing, another excuse not to pay rent. And then eventually Elijah have problems with them not paying rent, went to courts and whatever doing what's legally and then they move out.

20 MR. ELIEFF: Q. Do you remember when Susan Eagle organize some five, six families not to pay rent and I was forced to take them to court?

A. Yes that what I was trying to say like, then you went to court because they wouldn't pay rent for some things are not repaired, or they would be repaired and they were broken again, or whatever their excuse was not to pay rent.

30

But after he have some apartments empty and I was cleaning there it was okay, we don't have problems. But one day I was going to work I saw signs on the street, people down our street were getting signs, they have cockroaches, protesting against the landlord.

THE CHAIRMAN: Do you remember when that was?

A. That year I can't remember but I know it was summertime.

THE CHAIRMAN: How many years ago?

A. I don't know, '85 maybe, '87, something ....

Then people from those buildings, because I know certain women who live in those buildings came in my place asking for the superintendent and they came to me to rent apartments. I called Elijah because he wants to rent places. He was fed up with the other problems he had with the other tenants, and I told him, "Be careful now who you renting", but I told him, "Don't rent to these people from those buildings. I saw the signs they were carrying, they have cockroaches there". Elijah said, "What you talking about?". He never hear of cockroaches, even didn't know what cockroaches are. He said, "These are people, just working people, probably they won't partying all night, they will be working, they will be quiet and wouldn't give him problems like the other ones". I said, "Okay but you don't know what cockroaches are. I live in Toronto and I know how they are carried from place to place and you going to get them here for sure". He didn't

5 believe me or he didn't know about that. I'm sure he didn't know, he just wants to give people a place to live. So this lady moved next door to me, across me, I don't know what number apartment that is, five?

MR. ELIEFF: Seven.

10 A. Across me seven? Okay. So she moved in and it was okay. As soon as she moved in then another friends of them looking for another apartment, so he give to them.

MR. ELIEFF: Q. Who are they, who? What kind of people?

15 A. They were Vietnamese. So whenever was empty apartment they ask us, "Please we are friends, they can move?". Right away Canadian people start moving out from the building. They said they couldn't stand the smell of the food they cooking. So then we start having lots of Vietnamese people living in our buildings.

20 Q. Irina, are you trying to say that even you are opposing me to start renting the apartments to the Vietnamese and Cambodians, and yet I did? Is that what you are trying to say, that even though you were opposing it, I still went for it?

25 A. Well I didn't oppose about the people, I don't want you to get me wrong because I am not racist or against any nation. I am friends with a lot of people of all cultures and countries. I was against that they live in those buildings where there are cockroaches, they going to come in our buildings.

30

Q. And you were concerned about it?

A. Because I don't want to live with cockroaches, that was my point to tell you. You didn't know what cockroaches are. I was talking to you, you were laughing.

Q. And that was the reason you left anyway, wasn't it?

A. Well after I tell you mostly. Then Cambodian people family came from north somewhere with four kids asking for a place to live. Then Elijah let them in. Then, like the Vietnamese, they start bringing friends, leaving their names with us, "Please whenever you have empty we want to move in, we like it here, it's nice, nobody bothers us". We were very nice to them. Me and my husband was helping them lot of things, whatever they ask for. If we have problems and can't do it, we call Elijah, we were friends with them and they liked us. I never have problem with the people there when I lived there. I had problem later on. Vietnamese were telling me, "Don't rent to Cambodians, they are messy, you will see what problems you are going to have". But I was ignoring that, I said ....

Q. Irina, didn't you told me that, what Vietnamese people told you, they said Cambodians, not to rent to them, just to Vietnamese, because they were dirtier, dirty people?

A. Yes.

Q. Okay and then I still went for renting it out, didn't I?

5 A. I know, that's why I was mad. I came to testify reading about in the media that he is racist. Like, against human rights, whatever, that's when I got mad. I would never come to this, but I said, "Well I can't let this go because I know what was there because Elijah ...". Like I said dirty or this, but again that's not fair. So we start really having problems now, the place really start messy and dirty and messy. 10 Instead of once a week vacuuming I have to do it two times a day.

15 Q. And Elijah with his family was continuously putting up with it, wasn't he? Did he not?

A. Yes, you would do that and I would say, "I can't take it anymore, there's too much mess. I cannot open my door, look".

20 Q. You were as a cleaning lady, yes?

A. As a cleaning. I say, "You need 20 superintendents in the place and would be still mess because they would complain the place is dirty". The Health Department was nonstop there. Who was bringing them I don't know. I was telling the Health Department, "Look, this is impossible, nobody can keep this place clean with everybody throwing things around". Papers all over the yard, garbages all over the balconies, kids eating everywhere, on the stairs, upstairs.

25 Q. Do you remember, Irina, one time before Susan Eagle came on the scene, at the scenery, the priest of the church next to my buildings was organizing the Cambodian and Vietnamese 30

5 kids to kind of do some clean up themselves? Do you remember that?

A. Yes I saw them one time ....

Q. Which was nice of them.

A. Yeah, I said at least they came to the sense they find out they live here, they have to keep this clean, otherwise we will be buried in garbages and papers and stuff like that. There was not aware because kids is kids, you let them eat on the stairs, of course they will mess up. I mop the stairs from upstairs to down, go up to get the pail, watermelon all over the place. I get mad, I call the kids, I said, "That's not fair, I just clean up". They say, "I'm sorry, my little sister eat". I say, "Eat in your home, don't throw watermelon on the stairs because you live here, we can't live like that". What can you do?

Kids are kids, they are not aware that they have to keep the place clean because nobody can clean up after them 24 hours.

Q. How many times, Irina, you found human waste under the stairs done by children?

A. Yes, they done - I don't know in front of Cambodian door, was done as human, not a kid, a human done there and things what supposed to be done in the washroom.

Q. Who did the clean it?

A. The lady came to the door, she didn't speak English, told me to come, "We can't open our door". I went there, "Oh my God...", I said, "... who would do a thing like that in

the middle of the day in the hallway in front of the people's door".  
That must really - someone who really against them. I felt sorry  
for that woman and she help me clean up in front of the door.  
It wasn't a kid, it was a person who lived there on that floor  
who didn't like them.

Q. What were the children doing of Vietnamese and  
Cambodian tenants at that time, like throwing garbages, markings  
on the wall.

MS. SANSON: I'm going to object. I've sat here  
and listened to one leading question after another. We are  
hearing Mr. Elieff's evidence once again.

MR. ELIEFF: I got my point.

THE CHAIRMAN: Ms. Sanson, I take your point.  
The problem is that Mr. Elieff is not represented by counsel,  
and secondly, the rules of evidence which we apply with some  
flexibility, so I'm going to allow questions that I .... Mr.  
Elieff, I would ask you to try to not put leading questions.

MR. ELIEFF: No, no.

THE CHAIRMAN: Just ask the question, don't give  
your conclusions.

MR. ELIEFF: No, just asking her what she sees kids  
doing.

THE CHAIRMAN: All right, bear that in mind. As  
Ms. Sanson has pointed out, we are being extremely liberal here  
in allowing these questions.

MR. ELIEFF: Q. Tell me, Irina, what you saw kids doing?

A. They would go in the garbages outside, we have big containers where we throw garbages. The kids would go and dig in there and take them out, all over the parking lot. They would drive their bikes around the cars. One lady called the police, her car was scratched.

Q. What else you saw kids doing, Irina?

A. Throwing, eating, playing a lot outside, digging the grass. We had grass in between both buildings, nice, was clean, one tree in the middle. They were digging, making holes and the rain was all muddy. Like kids playing - like every kids play everywhere, but this was all like destroying, like digging holes in the grass.

THE CHAIRMAN: Is there a playground there?

A. There are two buildings and in between the two buildings grass and a tree and so I think not a playground for kids to play.

THE CHAIRMAN: Was there a sandbox or ....

A. Well there is a schoolyard right next door, a big, big yard right next. Where I live now I don't have sandboxes on this, just ....

THE CHAIRMAN: Okay. Mr. Elieff.

MR. ELIEFF: Q. What else the kids been doing to the halls up and down?

A. Running up and down the stairs, playing.

Q. On the walls?

A. On the walls there's all pictures, whatever.

I never saw before.

Q. Have you ever seen, Irina, any of these Cambodian and Vietnamese families telling the kids not to do any of this? Have you ever seen ...

A. I hardly see them outside. Like I go to their doors and they don't speak English. I'll tell the kids who I know speak English, "Don't do this, it's not nice". Who listens? Parents, I never see them going outside telling them not to. I don't know, maybe they're telling them and I don't understand what they telling them or not. I can't answer that exactly what they tell me. I'm sure they didn't tell them, "Do it on purpose". I wouldn't tell my kids but I don't know what they tell. Like washing machines we have, you know, laundry - I went to wash my clothes - there was two muddy shoes in the washing machine. I said, "Who do this?". Either they don't know washing machine for clothes or they don't care. It was a way to wash the mud from the shoes for them, or whatever. They were broken in a couple of months, they no good for anything anymore.

Q. How many overcrowded apartments that you think you've seen roughly?

A. Oh well two, three families together for awhile they keep together, they save until Elijah have another apartment

empty or they move other places. But they were crowded, a few apartments in the other building on the third floor, I know were really too many people living inside. All on the floor sleeping, kids, maybe ten or five or six, two bedroom apartment.

Q. So Elijah, the landlord, allowing two three families to stay in one place so that when I hear of another place to give them or find other place, what that tells you Elijah as a person, as a landlord?

A. I said I get mad from the media, I came here because they were accusing you of being racist or discriminating, whoever. I came just to say that if you were that person you wouldn't let them in in your buildings. If I was that person I would choose the tenants; but you told me, "I know how hard it is to live in this country when you come immigrant with small kids. Everywhere you ask to rent, 'How many kids do you have?' they ask you. 'Sorry, you have three?' We don't have place to live". So you want to give them chance you say, it's okay, kids are no problem, until they find jobs or whatever they won't stay forever here. That's what you told me. And then I start having cockroaches too and I saw them in my bathroom, big ones. I spray, spray. Elijah called people who spray, they were in my kitchen, everywhere. I pack my things, went look for a place and I move out.

THE CHAIRMAN: When did you move out? How long did you stay there?

Irina Sucur - in-ch.

treat the tenants of mine, how friendly I was with them?

5 A. I never see Elijah mad to them or fighting  
with nobody, I didn't see. They would complain to Elijah for  
certain things, he would say, "Okay", when he would get time he  
would fix it. His son would come fix it and my husband. I  
didn't see anything unusual. All my life, 20 years in Canada,  
I am a tenant, but I don't see any difference between any landlord.  
10 I don't know what they say these things.

Q. So I feel, Irina, that I had to sacrifice the  
Canadians for the Cambodians and Vietnamese in replacement. Is  
that in your view ....

15 THE CHAIRMAN: Mr. Elieff, you are drawing a con-  
clusion and then asking the witness to confirm your conclusions.  
You can come up with your own - draw your own conclusions after  
your evidence is put in and you are making your case at the end.  
Ask the witness questions that she can answer.

20 MR. ELIEFF: Q. Did the Canadians like me bringing  
more Vietnamese, more Cambodians?

A. No they told me, "We can't - we moving out".

Q. Why didn't they like?

25 A. They didn't like it - I don't know, they  
didn't want to mix with them or they said the food smell in the  
hallways.

THE CHAIRMAN: She's already given that evidence.

30 A. So they move out.

Irina Sucur - in-ch.

A. Three years. My son was seven, now he is ten.

MR. ELIEFF: Q. So what is the reason you moved out? What was the reason?

A. One reason, I didn't want to get cockroaches.

Q. Which who brought, which was got when?

A. Well they were brought just when I told you, right after the people moved in.

THE CHAIRMAN: I think she's already answered that.

MR. ELIEFF: Q. Then you moved because of that and what else?

A. And because I didn't want to clean up after anymore for no price. I told you, "You won't get superintendent to clean this place for no price", which you have problems now I've heard about. Nobody wanted to clean because they can't keep up.

Q. Remember when the next door church came to us and asked us to rent for a Polish family that came just ....

A. Oh yes, that was before the Cambodian people came.

Q. Yes.

A. They came and asked if we can give one apartment, they coming from Toronto with one small kid, a young family and they have to settle in London and they can't find anyplace.

Q. Was I, Irina, co-operating with the church and everybody else just to help people in need?

5 A. Elijah said, "Any people who needs a place to live, if I have a place, I will let them in". I remember that, I don't know if it was priest or person working for that church next door.

THE CHAIRMAN: What's the name of the church next door?

A. I'm sorry.

10 THE CHAIRMAN: It's all right.

MR. ELIEFF: I know it is United Church but I don't have ....

15 A. He came and we had that time place on the second floor. What apartment? Nine? Elieff, what apartment they move in?

MR. ELIEFF: Number nine.

20 A. Nine? So the guy from the church came, looked the place, he say, "It is fine". The people came, they bring some furniture, whatever they had. The place was clean, nice. These people more clean, they really keep it nice until they leave there and until they had to move out because of the tenant below them. The person below them had a dog and they let the dogs outside to do all their things and the lady come and say, "Listen, my - is very messy". I go out there, I couldn't even get near the place because the dog was huge and very vicious. I couldn't clean, told the girl to clean up because people can't live like that. She wouldn't do it. I called the Health Depart-

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ment to do what I could do. The Health Department told me I have to go over and clean. I said, "I am sorry, for no price I am going over there to be eaten by the dog". This place, first of all pets are not allowed, but she had dog and this dog was sometimes running around, the kids are scared.

THE CHAIRMAN: Who was this that had the dog?

A. Our tenant in number one.

MR. ELIEFF: I don't know what was her name but that's the tenant that I get to go to the courts with other six, seven tenants. And that's the tenant that Susan Eagle testified that she had no dogs, no cats.

A. Yes she had dogs. First it was two, afterwards one.

MR. ELIEFF: Q. Irina, every time my tenant moved out how did they leave the place? You tell me?

A. The place was everything destroyed. The cords would be cut from the fridges, the cupboards would be all broken, there would be in some places there was holes made between their bedroom and livingroom that they can walk through instead of going around. All the bulbs and the fuses would be gone.

Q. Stolen?

A. Stolen, gone, they wouldn't be there. The mess the garbage and everything was in a pile in the middle.

Q. And what was I doing after they are gone?

A. What you are supposed to do, clean and fix

for the next person to come in.

Q. Was I cleaning and fixing it for the next person?

A. Of course, otherwise how would you rent the place?

Q. But I'm asking you what you saw. Did you see me cleaning the place and fix it and paint it? Did you see me doing it?

A. I see you painting and I see you cleaning it and I help you and my husband did. Then lets of things from the hallways, the emergency lights would be stolen, the bulbs would be stolen. They would be repaired and fixed, the next morning they are gone. Right beside me that day I remember they put just brand new windows, emergency lights ...

Q. Uhm hm.

A. ... the next morning when we get up they were gone. The windows were broken.

Q. So you are trying to tell us there was so much vandalism too?

A. Yes. The Fire Department would come to check, like because the tenants who complaint, "There is no lights". Elijah would put lights, the Fire Department would come and check, I remember that everything is okay, he write down. The next day they are gone. One day I say, "I don't know how he can ...".

or the next person to come in.

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Q. Keep up?

A. ... keep up with this." Nobody could.

Q. Can you tell us something about the Yugoslavian,  
5 the young lady that ... give apartment Vietnamese twins and is  
living separate life ...

A. Yes.

Q. Can you tell us something about how I treated  
10 those Vietnamese girls and can you tell us what was the treatment  
between me and my tenants? My behaviour?

A. Good, what else could be? You nice to them,  
15 nice to the kids, she move out because of the other tenants,  
not because of you. Like I don't know what you want to prove  
about that.

THE CHAIRMAN: Just say whatever you have seen.

A. Elijah was nice to her, like she was living in  
20 apartment that was really bad on Cascade and she asked to move in.  
Elijah, he have problem with that too because the lady who was  
living there, she wouldn't let us see the apartment, she was  
thinking, like she moved before 15 days or so. She was thinking  
Elijah rent the place and get the rent from her and from them  
25 too; like she wouldn't let us look the place, but that wasn't  
true, like the lady moved from there end of month.

MR. ELIEFF: Q. Because I was accused of mistreat-  
30 ing my tenants and discriminating them and blah, blah, that's why  
I am asking you what you saw for those three years, how I was

MR. ELIEFF: So that's my point, I have to sacrifice them for these, and yet these are people who are accusing me now.

MR. ELIEFF: Q. Thank you, Irina, that's all.

THE CHAIRMAN: All right. Are there any questions that Ms. Hon would like to ask?

MS. LONG: She has no questions.

THE CHAIRMAN: Ms. Sanson?

MS. SANSON: Thank you.

CROSS-EXAMINATION BY MS. SANSON:

Q. So you indicated that you moved in in July of 1985?

A. Look, I said that if I'm not right I don't know because I never keep records of this, and now almost seven years I wouldn't remember.

Q. Okay.

A. Like if I would know I would be asked this I would look maybe if I have something, what day or what date or whatever, but I never really recollect exactly date. I think it was '85. I know it was summertime when I move. Elijah probably have more correct.

THE CHAIRMAN: Was it 1985?

MR. ELIEFF: The summer of '85, that's what she say.

THE CHAIRMAN: Well I'm asking the witness, was it

1985, 1986, 1987?

A. It couldn't be more than '85.

MR. ELIEFF: Yes, '85.

5 MS. SANSON: Q. How long did you do cleaning in  
the apartment?

A. This I am not sure either because that lady  
wasn't - like one was living there - she move somewhere in spring,  
10 maybe I could be mistaken, in '86 in the spring. As soon as she  
move out, then I took over, but when was it I can't tell you.

Q. '86 until when?

A. Until I move out at three years. Three years  
15 I live there and I move out in November.

MR. ELIEFF: Just roughly say three years.

A. Roughly three years.

THE CHAIRMAN: Let the witness answer.

A. Roughly like two years to three, two and a half  
20 or so.

MS. SANSON: Q. Would you please tell me all of the  
reasons that you moved out?

A. One reason I move out because I started getting  
25 cockroaches.

Q. That was one reason, what were the other reasons?

A. The other, I didn't want to clean anymore, I  
couldn't live the mess around. Open my door ....

30 Q. Any other reasons?

5  
A. The dirt is right in front of my door. The other reason, I didn't want to do anymore cleaning there.

Q. Any other reasons?

A. No.

Q. Are you living there now?

A. No.

10  
Q. You don't live there now? You didn't just move back in there? Did you just move back in to 105?

A. No. I would never move there.

15  
Q. You would never move back there? Are you related to Mr. Elieff?

A. No.

Q. No relation at all?

A. No.

20  
Q. Would you please describe for me what you did, what was your job when you were cleaning?

A. I was mopping the stairs.

Q. You mopped the stairs?

A. Laundryroom.

25  
Q. Okay, I'm just going to stop you for a second, you mopped the stairs?

A. Yes.

Q. In 105 or in 95?

A. Both.

30  
Q. Both? And how often did you do that?

Irina Sucur - cr-ex.  
(Sanson)

A. Well I used to do once a week.

Q. Once a week?

A. Yes.

Q. Okay, what else did you do?

A. Vacuuming the hallways.

Q. And did you do this in both buildings?

A. In both, me and my husband together.

Q. And how often did you do that?

A. We used to do it right from the beginning once  
a week.

Q. And what else did you do?

A. Keeping up the yard clean.

Q. What did you do?

A. Pick up the papers, the garbage laying in the  
yard.

Q. We heard there was a dumpster in the back where  
the garbage was put, is that your recollection?

A. Dumpster?

Q. A great big bin where all the garbage went?

A. Yeah that was in the parking lot.

Q. In the parking lot?

A. Yes.

Q. How often was that emptied?

A. Whenever they come from the city to empty it,  
once or twice a week they come with a truck.

Q. Once or twice a week?

A. Like the city garbage would come and empty the  
dumpster.

Q. Okay, what else did you do?

A. Clean up the mails, taking those flyers, and  
answering the door if somebody come to look for a place for rent,  
or people from the city come, the Health Department or Fire came  
around to check the building, fire alarms.

Q. Did you do any building maintenance, any  
repairs?

A. No.

Q. Did your husband?

A. If it was small things like change the faucets,  
like if they're leaking, or if anything major we call Elijah and  
if he needs plumber he calls plumber, and if he can fix it he  
fix it.

Q. Is there anything else that you did?

A. Like if people lock themselves out they would  
come ask for a key.

Q. Anything else?

A. No.

Q. Was it a full-time job, did you work everyday  
doing this?

A. Well we living there and I work, my husband  
was just job for us.

Q. So how much time did you spend a week on your duties?

A. All the time, like I live there and everytime somebody need something, they knock on my door. That's 24 hours. The police come, anytime when somebody calls them they'll be there, the Health Department, Fire Department, in the morning I am home until 2:00 o'clock. I am there or my husband be there, so we were always there.

Q. Okay you were always there but how much time did you spend cleaning during the week? How many hours?

A. Well we were spending how many hours it would take to clean six halls and four stairs. How could I - the two of us, between two hours, three or four hours. It depends how dirty or whatever needs to be done.

Q. Okay and did you have any duties when people moved out? Did you go in and do a clean-up of the apartment?

A. No.

Q. No? You said that one of the reasons you moved out was because of the roaches. Did you complain to Elijah about that?

A. Yes, I told him we start having cockroaches. He say, "How they look like? What is this?". I say, "I can't catch one to show you but we have them", so we spray.

Q. What did you spray with?

A. That cockroach spray, how they call? Raid.

Irina Sucur - cr-ex.  
(Sanson)

Q. Did that work?

A. Well for awhile, we tape all the vents like in the bathroom which joined the other apartments because they used to come through there, the vent in the bathroom.

Q. Yes, did you call ....

A. Then Elijah called somebody who is coming there and one person once a month spraying, and then they came to spray certain apartments who complain.

Q. When was that?

A. When I was living there.

Q. What year, do you know?

A. The last year, '87, '88, beginning of '88.

MR. ELIEFF: The spray man was there all the time.

A. Oh yes, we have spray man which was coming once a month to spray the hallways, but nobody complain of cockroaches, so when they start complaining they going apartments.

MS. SANSON: Q. But you just said you were complaining, you were complaining to Elijah?

A. Elijah, who else I complain, the city health?

Q. No, you said no one was complaining but you just told me that you were complaining yourself about the cockroaches.

A. Oh yes they were, other people, that's why they move out. My friends across me move, the Polish people move, the person on the other - Dieter, she went to the other apartment

Irina Sucur - cr-ex.  
(Sanson)

to live. Of the cockroaches.

Q. While you were there did you contact any professionals to come in and spray the building?

5 A. The guy who was coming in to spray, I told him, he came in my apartment and spray.

Q. Just your apartment? He didn't spray the others?

10 A. He would spray everybody who call him. If you don't call the person he couldn't come in your place and spray. I told him I want him to spray, he sprayed. The lady upstairs asked him, he went spray.

15 Q. Do you know who this person was? What his name was?

MR. ELIEFF: A-Pest One Control.

A. I have his card.

MR. ELIEFF: She doesn't know.

20 MR. CHAIRMAN: Mr. Elieff, if she doesn't know, she doesn't know, but she's on the stand.

25 A. Yes, I know the guy because he gave me a card and he told me when I gonna call him I empty all my cupboards to come in and spray. I thought myself, "I not going to put up with this. I'm going to move". That's how I moved.

MR. CHAIRMAN: Do you know if he gave that same card to other tenants?

A. I don't know. I didn't ask him.

30 MS. SANSON: Q. Okay I want to ask you about you

Irina Sucur - cr-ex.  
(Sansón)

Did something about you saw people protesting in front of other buildings.

A. Yes.

Q. Is that what you said? What other buildings were those?

A. When you go from Cheyenne 105 with the bus, Huron bus, and go down to Highbury, there are on the right side three story walk-up buildings. I don't know the name of those buildings. I saw the people with signs.

Q. You saw people. Do you know anyone in particular that you saw?

A. From the bus I didn't stare at the people, I was staring at the signs.

Q. So you just saw some signs and what did the signs say?

A. "We have cockroaches ..." and other bugs or whatever, I know, "We have cockroaches" for sure.

Q. So they were carrying signs that said, "We have ...".

A. Signs, yes that they have cockroaches, protesting I guess the landlord or something. I'm not 100 percent sure what was, but actually I saw the signs.

THE CHAIRMAN: Sorry, please continue.

MS. SANSON: Q. And do you know what year that was?

A. I move there in - that summer or the next summer.

Probably was the next summer.

Q. '86?

A. '86 or '87, summertime.

5 THE CHAIRMAN: I'm sorry, that was the date of  
the protest?

MS. SANSON: '87.

10 A. You see how would I remember? I didn't see  
any reason why I should remember the date.

THE CHAIRMAN: Just approximate?

A. Yes but I can't tell you the date because I  
wasn't prepared for this.

15 MS. SANSON: Q. Did you discuss your evidence with  
Mr. Elieff before coming here?

A. No. I was with Mr. Elieff on no speaking terms  
for many years.

20 Q. How come?

A. Because I was mad at him.

Q. Why?

25 A. I get the cockroaches, I move out to leave for  
good until I save some money to get my own house and end up moving  
because of the cockroaches because he wouldn't listen to me that  
they bring cockroaches if he rent to them. Then I say, "I not  
going to keep up cleaning anymore, I don't want. You find some-  
body who can. For no price I not keeping up with the cleaning".  
30 So I move out, he was upset at me. I didn't want to speak with him.

Irina Sucur - cr-ex.  
(Sanson)

I was reading in the papers about him and I got mad to the media and I said, "I'm going to come to that hearing and now I'm going to tell my side of the story".

5 Q. Yes.

A. That's why I came.

Q. He didn't contact you?

A. Well I speak to him on occasions, but not like the way we were friends before. Like with his wife I am more friendly, but I mean like want to bring this subject, I didn't want to tell him, "I told you so". Then we get in that fighting, so I just avoid the question. I wasn't prepared for this. If I was I remember more dates and stuff like that.

15 THE CHAIRMAN: In the protest do you remember the name of the landlord on the sign?

A. I know one lady who live there as a superintendent, meeting her a few times on the bus. I don't know her name. I told her, "Like, you have cockroaches and this and that". After she told me, "Oh no, we don't have anymore, everything is clean. People move out". They renting to different people, the place is sprayed, it is clean, I don't know. Like she was after awhile there superintendent, I don't know if she is still there but I don't know landlord or herself.

25 MS. SANSON: Q. So you don't and you didn't recognize any persons who were renting who were carrying the signs there?

5 A. No, only I know two my friends who are living there. And when they came to us for a place, living in our building, I told Elijah ten, "Don't rent to them because they living in building where they have cockroaches". That's what I told him.

Q. When did you tell him that?

10 A. When the people came to ask me if we have any empty.

Q. Do you recall any of those persons, who they were, that were looking?

15 A. I know that lady, I don't know her name. I know her because I know she was living there and a friend of my mother lives with her together there like. They told me they have cockroaches and that's why they moving out of the building. And when she came and asked if we have any empties, I say, "I don't know, I have to ask the landlord". I saw Elijah and I said, 20 "Look, you have people asking for an apartment from there who have cockroaches. Don't let them in, let the building stay empty or whatever". Elijah say, "What is cockroach? What are you talking about?". He laugh at me. Now he has problems.

25 Q. Was he laughing when you moved out because of the roaches?

A. When I moved out?

Q. Yes.

30 A. He wasn't laughing, he was mad at me. He really

was mad at me, but he was all the time.

Q. Can you tell me, were there any locks on the front doors to the building?

A. No.

Q. No locks, so anyone can get in?

A. Yes.

Q. Any security in the building? None?

(No audible answer)

Q. Now I understand your evidence that you had indicated that before the Cambodians and Vietnamese people were moving in that there were Canadians in there who were breaking things and not paying the rent, is that true?

A. Yes.

Q. What steps did you take when things were broken?

A. I don't know when they would break' the things, I would see the things are broken, I call Elijah.

Q. And your job was to tell Elijah?

A. "Elijah, window is broken", Elijah would call whatever or whoever and come and put new window.

Q. Right away?

A. If it is something he can - usually on the weekends it would be broken things - mostly Saturday night, Friday night.

Q. Did he fix it right away?

A. Well by Monday or a day or so windows will be

Irina Sucur - cr-ex.  
(Sanson)

Q. Always?

A. Always, I don't know, a couple of windows were broken. I don't know when he replace them.

5 Q. Just two windows were broken while you were there?

A. Well at that time the big, main windows on the stairs, then those downstairs, they were broken often. He would replace, they would be broken. I can't keep track of them, I don't know how long it take to put a little window, but I don't see them put window.

10 Q. Is it your evidence he always fixed it right away?

A. Not right away, everything couldn't be done - if it's in the middle of the night - I call him, "Elijah the fire extinguisher is missing". What he could do? Get up from his bed, then the day after or a few days later.

15 Q. Would he do it a few days after or would he wait until somebody ordered him to do it?

A. I don't know. He would fix it I know. He was putting them, so many fire extinguishers and so many emergency lights - whether he wanted or he was doing, I don't know.

20 Q. Do you know how many emergency lights he replaced?

A. I know in my building at least four times they were stolen.

Q. Four times ... when, in three years?

5 A. Four times he was .... I know in the old ones, I know of all four times, or four times he is putting emergency lights.

Q. In all of the buildings?

A. Yes.

Q. In both buildings, so four times in three years?

10 MR. ELIEFF: You said more than four times.

A. Or more, I'm not keeping track, I don't keep track but I know the last time when I really got mad. The brand new was stolen the same night, the day they put them, the next day stolen, cut off, right beside my apartment.

15 Q. Do you think if there were locks on the front doors it would help?

A. Then how the people get in when they let themselves out?

20 Q. With keys.

A. They lose the keys.

Q. Well that's why you're there.

A. Yes, I have to be 24 hours a day, doorman at  
25 the front.

Q. But you said that you were working for 24 hours.

A. Yes, I would open their apartment upstairs but I wouldn't stand at the door outside because they would come in  
30 the building, knock on my door.

Q. Uhm hm?

A. If outside door is locked, how they'll come?

Knock on my window?

5 Q. Uhm hm, so you don't think having locks on the doors would have assisted with the thousands ....

A. I don't think so.

Q. You don't think so, not at all?

10 A. No because the ones who were doing were living there.

Q. Oh, did you see anyone do the damage?

A. I didn't really see but I know it.

15 Q. Oh, you know it. You never saw anyone do any damage?

A. They are not stupid to do in front of me of course. If I want to do damage, they wouldn't show me stuff like that but they were living there.

20 Q. So you never saw anyone do it?

A. Okay, the person living in this apartment and moved out. The only person who have access to this apartment is the person who move out and Elijah. So they break everything and cut everything, who would do that? A person from outside?

25 Q. Anyone can get in off the street.

A. How if the apartment is locked? I couldn't get in.

30 Q. But I didn't know it was your evidence that the

apartment was locked.

5 A. That was my conclusion. You see the person lived there would do it, of course. I wouldn't or Elijah or person from the street. What reason you, from the street, got?

Q. When did you see this? You told me your evidence was that you didn't do any cleaning when people moved out, so when did you see this?

10 A. Elijah's wife called me one night. She came to clean up the apartment, there was no lights. She said, "Come, there's no lights in the apartment". We go in the apartment, there is no fuses, there is stove wire cut ....

15 Q. When was this?

A. That time when the tenants move out.

Q. Which tenant, do you know?

A. What apartment next to the laundryroom?

20 Number one and number ...?

MR. ELIEFF: Did this happen just one apartment?

A. Well now I give example of one apartment.

25 MR. CHAIRMAN: If you can't remember the apartment that's fine.

30 A. I know who called the police, me and Elijah's wife. We called right away the police and police came and he say, "That is something else". He say, "What can we do?". They move out, they destroy the place, they move out. So who else would do it?

MS. SANSON: Q. Tell me about the washer and dryer? You told me it was broken.

5 A. I went to wash my clothes, my things. I saw shoes, boots, muddy in the washer. Washer spinner was finished. I open it, all mud inside, I saw shoes in there. I said, "My God, who is this". I said to my husband, "Let's put sign, 'This machine is only for clothes, not for shoes, muddy shoes'". Took  
10 my clothes, went outside the laundry to wash my clothes.

Q. Did you find out whose shoes they were?

A. Oh yes, how I know whose shoes they were? I was going to move anyway, the washers were broke down after.

15 Q. When did they break down?

A. All the time they were broke. They come fix, they break, they come fix, they break. Money was stolen from them, the thing to take the money, the whole thing from the top was taken away for money.

20 Q. And you don't think somebody from the street came and did that, eh?

A. For that I don't know, it could be from the street.

25 Q. Wouldn't you agree if there were locks on the doors that would prevent this?

A. Well I am not the expert. Why you asking me that question? How I know if they be left outside it would be prevented? I live in the building, we dont' have locks and that

things wouldn't happen. I live in buildings who have buzzers to control entrance, the elevators were always broken, they was taking some of the elevators, those tiles and things were done. The superintendents would complain.

Q. Uhm hm.

A. So I am not an expert to tell you if it should be locked there or not. You should ask somebody who know about these things.

THE CHAIRMAN: Ms. Sanson, could we move on.

MS. SANSON: Certainly.

MS. SANSON: Q. Have you ever seen Chippeng Hon's children throwing garbage in the hallway?

A. Who is Chippeng?

Q. You have never met Chippeng Hon? This is Chippeng Hon. Have you ever had any dealings with her?

A. I don't know if I've met her or I know her.

MR. CHAIRMAN: That's fine, if you haven't met her, say so.

A. I can't remember her face.

MR. CHAIRMAN: Okay.

MS. SANSON: Those are my questions.

MR. CHAIRMAN: Mr. Elieff ...

MR. ELIEFF: Next witness.

MR. CHAIRMAN: You can ask a question in reply.

You can ask a question that hasn't been asked before related to

any of the evidence she gave in answering those questions. So  
you know, if there is anything else you want to ask related to  
a question that she has answered in response to Ms. Sanson's  
5 questions, you can ask that now. It is called a question in reply.

RE-EXAMINATION BY MR. ELIEFF:

10 Q. I only want to clarify that, I believe, Irina,  
when you said about you saw cockroaches there, is what you meant  
is that I did not took your advice when you said, "Watch it,  
maybe no rent these apartments to these kind of people because  
they will bring cockroaches in". Is that your point you are try-  
15 ing to make?

A. I didn't mean - I told at the beginning, it  
doesn't matter what nation, whatever they are, if they live in  
a building where cockroaches are, wherever they move, cockroaches  
go again. That's the one thing you can't get rid of them. That  
20 was, I know about cockroaches.

Q. So again, you're saying that you went mad on  
me why I rent these people apartments ...

25 A. I was mad about that because I don't want get  
cockroaches.

Q. ... and then I believe you believe that I went  
mad to you because I love these people and yet you didn't like  
them and you had to move out, is that right?

30 A. I don't know about ....

Q. Is that what you're trying to say?

MR. CHAIRMAN: Mr. Elieff, please. I think you've asked the question.

5 MR. ELIEFF: What I can't? I can't?

A. Well I know what he means because he is the person who doesn't make difference about race. Like me, like in this case when I tell him, "Don't let the people move in", it looks like I'm the one who hate the people. It's not the people. I was against the cockroaches because if I never see the signs, which buildings they live, I would never even know how the cockroaches come there. So that was the point between Elieff and me, not because I said, "Don't rent to Vietnamese or Cambodians or whoever". I was telling him, "Don't rent to people who don't work because the working people don't have peace here. They have party all night, sleep all day. The one who have to work all day, can't sleep all night". So I was against that too.

20 MR. ELIEFF: Q. Have I ever turn anybody out, not giving them apartment, no matter what the colour or race is?

A. No, no whoever asked, with kids or not kids. Sometimes if they had too many kids I would tell you, too many kids in a two bedroom apartment. Where are they going to go? Who let them in? Okay, let them in.

Q. Thank you, Irina.

MR. CHAIRMAN: You may stand down. Thank you very much.

A. You're welcome.

MR. ELIEFF: You can be here, or go and get Mike  
in.

5 MR. CHAIRMAN: I just would like to take a ten  
minute break. I need to make a call.

MR. ELIEFF: No problem, okay. Okay, sir, but  
next is Mike Sucur.

10 MR. CHAIRMAN: All right.

R E C E S S

(2:10 p.m.)

15 U P O N R E S U M I N G :

(2:25 p.m.)

MIKE SUCUR: SWORN

20 EXAMINATION IN-CHIEF BY MR. ELIEFF:

Q. Mr. Sucur, when you moved in apartment number  
six to be my tenant, and afterwards, after I kicked the superin-  
tendant, Glen, out, I asked you to be a superintendent, is that  
true?

25 A. That's true.

Q. Do you recall why did I kick Glen Albright out?

30 A. He wasn't doing right things, he had some  
papers there told him to not pay the rent and he was splitting,  
the way I understand, he was splitting with someone in rent. And

said to you, "They not pay the rent", and he wouldn't clean anything around, he just tried to be your boss, instead of you be his boss. That's the way I could see it.

5 Q. How you found Glen Albright at that time as you being a foreigner as a tenant?

A. How you mean, how I find him?

10 Q. Did he like you, accepted you, or he didn't like you because you are not Canadian at that time?

15 A. Well clearly he played like he like me but he didn't like it that you hired anybody else because he tried to run place for you. He's like - I know you told me afterwards that lots of times like he was collecting rent, wasn't on time or some rent was missing. So he told the guy, "Well you don't do very much around here, you got free apartment, you want so much money. You know I just bought the buiding, just bought the business, I can keep you - like I can't afford you anymore. Just stay as a tenant". But after that I wasn't really at that time, in the beginning, full superintendent, because the other cleaning lady, which was cleaning hallways, I was taking messages and maybe emergency fixing up something there.

25 (DISCUSSION OFF THE RECORD)

Q. When you move in with your family was there any cockroaches?

A. No, no cockroaches at all.

30 MR. CHAIRMAN: What year was that?

A. '85, sometime in early spring in '85.

MR. ELIEFF: Q. Did I have at the time any coloured tenants or Asians in there?

A. Not Cambodians or Vietnamese, another family was there, nobody. Was Canadians, like mostly Canadians, maybe one French family the way I could - they spoke English, but by the name I know they're French.

Q. Do you recall when I start renting my company's apartment buildings to foreigners like me, Cambodians, Vietnamese and anybody else?

A. Well I tell you, when I moved in there was mostly Canadians and six families was there. Like he had three apartments empty, then even the place he don't check the people who are they, why they coming here, they pay rent before they leave, that's what I seen and he mostly rent about five, six of those people I didn't like. He had trouble with them after, like if maybe a little bit leak washer, something wrong with the sink, they destroy that. They make more and they stop paying rent, about six family of them. And one family, they had a dog for a year and another year they brought another dog. It was apartment number one in 95 Cheyenne, and whenever he called the Health Department they never would come, but when Mrs. Eagle call the Health Department they came there, because again it is fine, but then somebody else who make the trouble - that's okay, that's fine, but behind all of those troubles - maybe that's not con-

cerning you now, you're talking. He went to the court, Mrs. Eagle swear on the Bible that there wasn't no dog there at all. The woman live with her boyfriend for five years and was against the law at that time. She knew that, she never reported authorities.

THE CHAIRMAN: You've already answered sufficiently.

A. That's all.

THE CHAIRMAN: And you are understanding the process correctly and ....

A. Well I told you but I just want to let you know a little bit.

THE CHAIRMAN: Try and restrict your comments to this hearing, the subject of this hearing.

A. Okay, you ask me whatever you want.

THE CHAIRMAN: Mr. Elieff is asking you questions.

MR. ELIEFF: Q. So you are saying at the time before I start renting to Cambodians and Vietnamese I have a group of Canadians who won't pay the rent and they were ....

A. About five, six families.

Q. ... and they were organized or represented by whom?

A. Mrs. Eagle.

Q. And you do recall she telling untruths to the judge concerning number one apartment?

A. That's true. That's correct.

Q. And that's how the problems got better after Susan Eagle came on the scene?

A. She's on your back for seven years.

5 Q. Before Susan Eagle came we didn't have any of these problems, did we?

A. You have troubles with the tenants but there was lots of good people there. There was only about five or six families and four of them you let in there, I told you not to because I feel they was in trouble with the law after I find out, not pay the rent, buy the booze and dope but not pay the rent, and you can do nothing against law. If you touch them you going to jail in your own property so if you go to court you've lost it anyways.

10 Q. After I started renting my apartments to anyone do you recall me telling you because of Glen Albright discriminating against immigrants ....

20 A. You told me .... The only thing he told me - there was no Cambodians - he said, "Don't ever rent to Indians", because if they come in there, your place is finished. And you rent to Indian guy with a girlfriend and they broke your apartment. I remember that good. You rent that. Any Indian guy with a girl, they pay first and last rent, then after that they stop paying and somehow they moved anyways. I don't know how. Some of them, they moved. But that guy, that former superintendent, he didn't like no blacks or Indians or any other colour. He

wanted it Canadians which close to him that he can handle it the way .... Like he was acting there like he's the owner.

Q. So that was his personality?

A. Well he ....

Q. He didn't like foreigners, coloured people or any - of which I was one of them?

A. Well he told me only like I tell you. He didn't tell everybody but he told me especially, "Don't send Indians".

Q. So in spite of all of this I started renting my apartments to anybody indiscriminating, is that true?

A. That's true, when those five, six people been evicted then you say, "Well I going let the Cambodians come there". There wasn't really too much to rent, and you rent few families, then after one by one they come there and come there and come there. No matter what kind - they just wanted so badly to lease place. I wasn't against them but my wife told him, "Watch out, those people got cockroaches", because they was complaining before, there's a two blocks before on your left, there's a very similar buildings and they was carrying signs and it was in newspapers that they - the landlord not fix the place, cockroaches in there - and most of those people come from there to his place. He let them in. No question about it. He let them in and I remember good, we had a big storm and in 95 on the third floor when the storm come it ripped off the roof and was a big hole from

the big rain, so there come a Vietnamese guy, wasn't Cambodians. And he beg him for an apartment, he said, "There is a hole there, is not fixed". He say, "Please", he grab him around his legs like he is a God or something, "Please give me that apartment". I think he had a hard time somewhere. Well he said, "If you fix", he say, "If I give you apartment ...". "No, whenever you can fix it, just give me the apartment".

MR. CHAIRMAN: You saw this?

A. I was there because the guy come, first he told him no. He go to parking lot, make up his mind, he come back again. I think those people still there on third floor.

MR. ELIEFF: Still there, yes.

A. And he went there, he went there with the hole for two weeks until he get organized to insurance in there and he fixed that. He renting with the hole. He wanted to. He wanted that and he renting.

MR. ELIEFF: Q. And then have I always continued to rent my apartments to them, they were brought in by this government or the churches, these so-called boat people and refugees? And then what happened then?

A. Then you rent about five, six families, maybe ten, and then Canadians start moving out.

Q. Why?

A. Well I don't have nothing against those people. They very nice people, very friendly people, but some of them

5 - like after the woman which was cleaning quit, I took over. And  
sometimes when you pass behind some of those apartments, I don't  
know, whatever they cook, maybe that's custom. Not that I hate  
them or I discriminate or nothing, just smells so bad, kills  
you. Maybe that's their custom, I don't know - some food, some  
roots or something. If you eat - if I would eat - once I get  
10 in trouble in my stomach so I usually clean before I eat anything,  
like some of those, not all of those, is a bad smell. Then the  
Canadians start complaining, say, "Well those people, you know,  
messy and they keep moving", but they keep renting more Cambodians,  
until almost 90 percent of the Cambodians and Vietnamese in there.

15 MR. CHAIRMAN: By what year?

A. In the year time that I last been there, in a  
year and a half time.

MR. CHAIRMAN: So by 1986?

20 A. 1986 until .... From '85 and '87 was 90 per-  
cent of the Cambodians and Vietnamese. Like one family come,  
bring the other one and the other one and that's it.

MR. ELIEFF: Q. What else Canadians used to tell  
you concern about them, complaints? What are the complaints?

25 A. Well like I said once, I don't have nothing  
against those people, they very friendly people, they nice people,  
but they very dirty people. Like I clean one day, I remember it  
was a good Saturday, clean both buildings, clean everything up  
30 nice and after half an hour I come the other building, 105 on

third floor was a pig pen. Two womans talking to each other  
across the door. There is a big piece of pizza, Kentucky Fried  
Chicken, rice all over the place, all down stairs, macaroni,  
5 about ten kids playing, they don't say very much English,  
neither the tenants, so I didn't want to tell them, "Just clean  
up again", that's all. Like I was mad, I could try to tell their  
parents but they say - well they just with their arms - like they  
10 don't understand. Do you know what I mean? And we had three  
apartments he rent to two guys that was living seven Cambodian  
guys, quite often parties, and very interesting how Cambodians  
have Canadian girlfriend in there. I find three girls sleeping  
15 in front of their door, they doped up or I don't know what's  
wrong with them. I can't wake them up. They was smoking there  
things that never burned, cigarettes all over the place, like  
all over the carpet, cigarettes. I knock on their door, I  
couldn't - nobody. I wake them up, they say they are waiting for  
20 the guy, the tallest guy who rent. What was his name I don't  
remember. Now, another apartment I have people moving in with  
four kids and another family comes with another five kids.  
There was 14 in the second floor one on 95. And four parents,  
25 that's about 14 or 15 all together in the apartment. When you  
come there, I report it to you and say, "That's too much trouble,  
too much noise and I have to clean, I kill myself". Then he  
said, "Well, Mike, what are you going to do? You come yesterday  
30 in this country, I come yesterday with three kids. Maybe they

going to find apartment". They live there for three months,  
two families, 17 of them in a family. He pay utilities, every-  
thing, and somebody tell me he is discriminating against Cambodians.  
5 She is discriminated against him. She's discriminated against  
him. She's seven years on his back. She cost you \$100,000 and  
if you not sue her, you are nobody.

MR. CHAIRMAN: All right, just ....

10 A. That's it.

MR. CHAIRMAN: ... answer the questions.

MR. ELIEFF: That's my former superintendent.

He's upset.

15 MR. CHAIRMAN: All right, just try to answer the  
question.

MR. ELIEFF: Q. Keep on saying more of your see-  
ing? Cambodian families and their behaviour, the children  
behaviour?

20 A. They didn't never insult me or hurt me. They  
nice people, no question about it, but like me clean in spring-  
time. Was messy, the parking lot. He come, he pay two guys  
25 bucks each for two hours. After two days the parking lot was  
25 the same. Cans of oil or whatever or garbage - we have a garbage  
can there - they never would go over there and throw it. They  
just throw it under the car or beside the car. Like I don't  
have nothing against those people. I never have no trouble with  
30 them because they Cambodians or whatever, but just they were

messy people. They just maybe naturally. I talk to one of those  
guys, like most of them didn't know very much English. I say,  
"How you live? Like what kind houses you got? I want to find  
out". He said they have houses from mud and roof is from the  
thatch, no windows, no electricity, no water. One of them a little  
bit English. Well I think they have a war for 15 years there,  
a civil war, and probably everything was destroyed in the homes,  
but that's their business. That's not my problem. The only  
things I could say, they didn't give me no hard time because  
they Cambodians, but they are messy people. For the cockroaches,  
we never had, and they move in; after about three months they  
start showing in my apartment. I call the guys two times, the  
people who charge to spray your apartment, but somehow you just  
knock them down and after three, four days they come back again.  
And one more time did it and I get mad: I told Elijah, "Those  
people nice, you are right you let them in, they don't give you  
hard time, but they are dirty people". What's true not that I  
tell him because they Cambodians - that's what was true is.  
And I been so many times, sometimes three times a day, I clean,  
and sometimes after about third year, in October, I didn't give  
him any notice and that because while I'm there I'm going to  
clean for him. I need five, ten cleaners, not one cleaner. And  
I told him that I going to leave. The only things what I could  
say here, all of those Cambodians, if they're not happy there,  
I don't think so he chained them up to stay. Why don't they move?

Move! I move. He was mad at me, I not give notice. I move because of cockroaches, nothing else. In that apartment before I move in I see was wrecked. He painted, he put in new cupboards, he buy me new fridge, stove as good, he done painting, what landlord supposed to do. But this place been disturbed by the few tenants, and I just come there which been kicked out. Was six apartments of them and after slowly start going downhill and that's it.

Q. When I give the former superintendent - which I inherited when I bought the building - when I gave him notice to move out because he discriminatory person, because he told me if I rent to Vietnamese he will move out, and I gave him notice in order to replace and just because I did not like it, I start renting to anybody ....

A. He stole your fridge and stove. He brought some old fridge and stove, I know that.

Q. After I give notice to get hell out of there, what did he do to me?

A. I didn't see. I know he organized the emergency lights. He paid three times about 2,400 each time to replace those emergency lights in case hydro gets off. Like they been stolen, cut off for something. When you gave him notice to move out then really then started. Did he do it or did he organize? I usually see it, but I think he done it with some teenagers. Like he didn't do it personally himself but he

set it up that way.

THE CHAIRMAN: Let me see if I understand you.

A. Yah.

5 THE CHAIRMAN: You are saying or suggesting that the emergency lights had to be changed three times ....

A. They been stolen or broken.

THE CHAIRMAN: Stolen or broken?

10 A. Yes.

THE CHAIRMAN: And you are connecting it with the former superintendent?

15 A. Right because he told him to move. And I see him when he move the fridge and stove and brought an old fridge and stove in there, and after he called the police detectives but they say - like he say when to repair, like he wanted to repair fridge and stove. Where did you see superintendent repairing stove? Where? Nowhere. Because after her he gave to 20 some relatives good one and bring the old one from someplace. And the detectives was there, they didn't do very much. Like they said there was no evidence somehow, believed him that he went down to clean up and fix the fridge and stove. Where is 25 the justice?

MR. ELIEFF: Q. Do you recall when they slashed my tires, some of those ....

30 A. They slashed my tires. Yes, no the superintendent he did it. He put a nail in it. He's the only one who did

5 that time. He was talking to me in my apartment, he come out, his  
tires was all slashed. Then after I was tried to help him as much  
I could, they cut my tires and I asked you to pay me but he didn't  
pay anyway so .....

Q. Do you believe he went so mad because I gave  
him orders to move out because he was against my decision to rent  
out my apartments to refugees that were coming to this country?

10 A. Well he was mad, mostly he wanted to be there  
superintendent, and he want him to pay good and he want to rent  
the place whom he thinks suit, not you rent to anybody you want to  
rent. That's most of that anyways that I could see. Like, I  
15 know he was against you, but I told him, "If you buy these apart-  
ments for yourself, give so much money down payment, you try to  
make something, you would do the same things".

Q. Do you recall after I started renting my apart-  
20 ments to Vietnamese and Cambodian families, do you recall some-  
times how I treated them?

A. I never see no trouble, I see all the time  
those kids around you. Sometimes you buy them those popsicle and  
25 icicle or whatever at Mac's Milk and they throw on the stairs and  
I have to clean it. Like he was nice to them, ten, 15 kids come  
around him. All family got two, five kids anyways mostly. And I  
didn't notice - like I wasn't against them to move in, but my  
wife just say, "Watch out, those people carry cockroaches". But I  
30 never live in a place ever, I hever knew what's cockroaches any-

way. But you can blame those people everyday. They carry them?  
I don't think so. Like if Elijah ever said against them, why  
the cockroaches, or they're dirty, I don't think so ever meant it.  
5 He might have not express himself right, but he like those people.  
He wanted them. He wanted those people there. He's the one who  
wanted them. I wasn't against, my wife was. She said, "They're  
beautiful people", and she especially liked those little girls,  
10 they're nice looking, but she said, "Those people complained down  
there ...", there was another units, about 60 units, three story  
walk-ups, and it was in newspaper too, they was complaining about  
cockroaches and about not fixing the place. And all of them come  
15 over to his place. His place was never one hundred percent per-  
fect, but this place was livable at that time. There was a few  
apartments should be straight out, something - how you call it,  
straight? You straight it today, tomorrow it is broken. He's  
nobody to me. I not fight for him because he pay something to me  
20 or not, but the way I could see what being done to him, injustice.  
He shouldn't be here in front of the Commission Human Rights,  
she should be.

25 Q. What you are trying to say is that at that  
time, when I started renting to refugee people, almost 50/50 was  
rented out and it was so much resentment from Canadians that I ....

A. Well I ....

30 MR. CHAIRMAN: Mr. Elieff, ask a question rather  
than make a statement.

MR. ELIEFF: Q. Was there a kind of fight between Canadians and Vietnamese because the Canadians ....

5 A. Well, they didn't fight but the Canadians didn't like you by your renting to them. Like they have lots of kids and you can't blame the people when they got three, four kids, you can't tie them up.

Q. And they kept moving out?

10 A. Well they kept moving out.

Q. And I kept renting these people?

A. You keep renting them more and more.

Q. Happily or how I rent?

15 A. Well there was no trouble between you and them that time, but I know again from there it was about three or four years. The beginning of '88, October, '88 I moved out, three or four years ago. I didn't know very much afterwards, but while we was there, at that time there was no trouble whatsoever. Well  
20 if he can see 14 people in his apartment and he pay utilities, does he hate those people? And he don't even tell them to move. I ask the guy who was renting, he say "We got too many, what's going on". Well he say, "Those people come from Oshawa, they  
25 don't know nobody, they going to just stay for three months. No trouble". They never pay nothing extra. You wouldn't keep. I wouldn't keep if you landlord. But the other things, after get problems with that apartment because when those six people moved  
30 out, the order from the court, they being wrecked, those apartments,

if cost him 2,000 to fix number one, which is where Mrs. Eagle swear it was so perfect, no dog. The fridge was broken, the stove was broken, the window was broken, the floor was completely out, and she knew it all along. She come there too many times, she knew it but she didn't say in court. Who is telling the truth in this Board?

THE CHAIRMAN: Let me just say something.

A. Yes.

THE CHAIRMAN: You've mentioned Mrs. Eagle a couple of times.

A. Okay, no more.

THE CHAIRMAN: I just want to remind you that this hearing is not concerned with what Mrs. Eagle did or did not do, okay. The subject of this hearing is what Mr. Elieff ...

A. Done to Cambodians.

THE CHAIRMAN: Go ahead, Mr. Elieff.

MR. ELIEFF: Q. Since after so many refugees, Cambodians and Vietnamese, come into my place and you were doing superintendent job, controlling the trouble-makers and the noise ...

A. Well only I wasn't collecting rent. He's the one who - but he let somebody not pay, they would bring the rent to me. I was after to let him know what was broken and I was keeping the cleaning job, like I wasn't one hundred percent superintendent because the repair he was doing, or he had the plumber to do it. I just have to let him know or somebody's behind in the

rent, like sometimes people was - they would bring money in my place - I would give it to him.

5 Q. Tell me something, Mike, about the Cambodians and Vietnamese children, what they been doing by all the time that you were there?

10 A. Well like I told you before, I don't like to tell that too long. Those people didn't, the parents didn't care for them, they gave them food and was mess, windows broke, in front - like you have a nice green yard - they play there, they wrecked up, like this room, lift up those grass and everything. What you can do? You couldn't beat those kids. First, they don't understand, secondly they're small, and thirdly their parents didn't  
15 care. That's it. And you can't smack kids, go after them. I didn't even go after my own kids because it is the law, you can't even touch your own kids. And I never touched those kids. Like I would try explain them, they're nice, friendly, but just the  
20 way they played, I tell them - they go nice. After five minutes, they hanging up in front on the entrance and those small windows, they wasn't very big ones, they been broken, I don't know, maybe 20 times they broken. What you going to do?

25 Q. And they been going through in and out?

A. Oh yes, playing. No question, yes.

30 Q. And you found their parents doing almost nothing to stop them from noisy and garbage and scratchings and markings?

5 A. No, no they wouldn't say nothing. Well once I  
complained to them, they just go with their shoulders like that,  
and do they understand or not? But like I say, they are nice  
people, friendly people, but they messy people. And that's all  
about it, and I think they have a hard time to find places for  
10 them to live because wherever they live, they not really trouble-  
makers to hit you or to attack you or to not pay rent, just the  
way they act, or their food or something just people don't know.  
Because we move there six families, after 20 Canadian families  
moved out.

15 Q. When they cook something that smells so terrible  
to us ....

A. Well maybe their custom, I got nothing against  
it.

THE CHAIRMAN: Let him ask the question.

20 MR. ELIEFF: Q. When they cook something that  
people like us or Canadians are not used to, it bothers us, when  
they do that and open their doors, how many times you try to tell  
them, "Keep the door closed, if you want to, open your window  
but not in the hallways"?

25 A. Well you didn't have to open the door, it goes  
right through the door, go right underneath.

Q. Were there some would even open the door?

30 A. Well yes, some of them there was, but most of  
the time they didn't, but you just have to pass by, that's enough.

Maybe they are some roots or something, they cook something what their custom. It's good to them, but Canadian - I know Canadians, just little things, they go.

5 Q. How many times have you seen, Mike, bed positioned in the livingroom? In your knowledge is the livingroom supposed to be the bedroom or what?

A. Well not really.

10 Q. What you think, the livingroom, is it to be used as bedroom?

A. Well I ...

15 MR. CHAIRMAN: Perhaps you could rephrase the question. I think ....

MR. ELIEFF: Q. Have you seen beds, have you seen beds in the livingroom?

20 A. Oh I see the mattresses, yeah. I see the mattresses on the floor, but I don't know the kids been put in there. I didn't go too much in their apartments. But like, I seen a few apartments there are mattresses in the livingroom, yes.

25 Q. Whenever you did some repair, Mike, what you have seen I am asking?

A. Well they didn't have very much furniture ...

Q. In the beginning?

30 A. Yes, they didn't have, but after - like they got lots of mostly used furniture and fill up - like the other ones throw down in the garbages. Like even they would throw in

the garbage furniture, sometimes all at night, throw everything out you know. Then he wrecks and I have to clean it. But they didn't bother too much really with us anyways. Like I see  
5 mattresses on the floor but I didn't care about that. If they want to sleep there, they can sleep there. I couldn't tell them where they going to sleep, how they going to sleep.

10 Q. So, Mike, when the apartment is overloaded with two families or so many people in there, do they have to use bathrooms for showers and everything else, which release lots of moisture in the apartment?

15 A. Of course, people there, they have to wash themselves, they have to clean themselves. They have to use it.

Q. Do you think that causes something when my windows for the paint would start peeling and ....

20 A. Well could cause in the bathrooms because those places wasn't done with a semi-gloss paint, it was just ordinary paint, and just fell off. But some of those washrooms looked like really rusted. You told them they were using too much washroom hot water and like that, but if you let them in there you know what you going to expect though.

25 Q. Me, putting up with all this, as the owner, how you find me being toward them?

30 A. Well I don't see you just in front of the Human Right Commission that you here, come today - well not really prosecute, but sort of. He done so many things for those people

nobody wants it and he's now here in front of the Human Rights Commission. How? Why Mrs. Eagle didn't take one family in her house for a week, for a month until they find a place, she feels sorry for them? It is easy to make trouble, but it is not easy to make good to those people.

Q. Tell me what you know about the vandalism in my property, like leaking washers and dryers?

A. Yes, they are the things I didn't say. We had a little bit problem with the old washers and dryers. He bought all new in the same colour, I remember good, like that colour, green ones. They was all new in the building, all working. Now those people, some of them washing overload there, but there was a sink where I ever see - and I never see - they washing shoes in the washing machine. I never see that in my life. And one of them was stuck, the shoes, and burned your motor and you have to throw it out. Like I told him, the vandalism started when you fired your old superintendent and glass been broken, fire alarm been let too many times go. Even firemen once come, there was no fire.

Q. Whenever you find some vandalism been done and we call the police, the police come right away or did they just take time to come?

A. Sometimes not come, sometimes come later and just say, "We can do? We can't guard every apartment in the town".

Q. Has ever police department been able to catch any of these vandalism, or me as owner?

A. Nothing.

5 Q. What that tells you? How much help I been getting, let's say from police department?

A. Well you just got help against you, that's all, no help to you.

10 Q. Any other experience that you been having around, Mike, as the superintendent those three years?

A. Well, like I said, one more time I repeat the same things, those are people, very nice people, very friendly people, they're messy. There was no cockroaches whatsoever; when they come, they brought them. After three months they showed up in my apartment, I didn't give Elieff notice, I got mad and I just moved, but through that time when the cockroaches show up, I'm one hundred percent sure twice the place been sprayed in three months and the third times I'm not sure; and it didn't help very much. And everything I could put up with, those people didn't hurt me, didn't swear at me, didn't yell at me, didn't tell me bad names, just that they messy and when the cockroaches show up I couldn't take that and I just moved. Even like today, I didn't want to give him a hard time, say, "Hey, cockroaches, I don't want to pay rent til you fix those cockroaches". He didn't bring those cockroaches, the Cambodians and Vietnamese brought the cockroaches in there. It's nothing wrong, I don't have nothing

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against them but they brought them in there. The cockroaches was not before and even Glen, the superintendent, can prove that, if anybody calls him, because he says to me, "There was no cockroaches here the year I moving out". He moved out afterwards or he was kicked out, I don't remember.

10  
Q. Do you recall, Mike, some of these Vietnamese or Cambodian women with kids who were on mother's allowance or whatever, whoever is paying for their livelihood, they are separate from their husbands and yet they are ....

15  
A. I know one on third floor, she had four kids. She paid the rent but I didn't know very much. Most of them was family people, the one only was on third floor and I know she had four kids. She has always some visitors, either family or brother or sister or boyfriend, I really didn't care. She didn't give no hard time to nobody and somehow she was - like not herself, cool and not happy. Maybe in her life, whatever has happened to her, she never complain. That's the only woman I know.

20  
Q. Do you remember the Vietnamese woman that live in apartment number four, Ming Trinh, who had a husband working some ....

25  
A. Yes, I remember, he was mechanic.

Q. Do you recall him telling me, "If Welfare office calls not to tell them that she has a man with her"? Do you recall that he is talking to me?

30  
A. I don't know about that.

Q. You don't know about that? Okay.

5 THE CHAIRMAN: I would ask you to phrase the question in such a way - you cannot phrase the question in such a way that you give the answer you are looking for. Just ask him more general questions.

10 A. Yes, there was some of them living together but they are not married and some of them using Mother Allowance and some of them working, living with them, or some of them using Mother's Allowance and the husband is on welfare, but they still live together but nobody knows that. But that's fine with me, if the government is so stupid, go ahead. That's it, but tax-payers pay it.

15 MR. ELIEFF: Q. Can you tell some more about what group of Canadians were doing to me because I was renting these apartments to Cambodians?

20 A. No because you renting, because you was Elieff, your last name wasn't Smith or McLean or McCoy. Obviously I see the discrimination there, that's why they destroy your place. But the Cambodians didn't destroy your place, they wanted to, they just careless, they just don't care. They just think they pay rent is all over. They didn't really want to destroy you. They didn't even know they done lots of damage to your place.

25 Q. Don't you recall what the Glen and others in

30 .....

A. Well he organized that. He organized that that time when the ....

5 Q. When they slashing your tires, my tires, why was that all so much ....

A. I think they didn't like you. They didn't like you, that's all. That's discrimination I call, why they cut your tires. Car don't bother them, if they have something, 10 they should take you to court or something. They slash my tires. I bought brand new tires, 280, four of them, they just cut them with a knife, so nobody pays. Who are you going to complain about? Because I tried to help him I was bad because he didn't 15 let them to do what they want to do in his place. That's simple. Sure, there is no question. I told you to rent - like the place was pretty good when he bought it, but after when some bad tenants and not so nice Canadian, good families, but five, six 20 of them was just troubles. They just stop paying rent. You can't even touch him. You can't go in his door because he call police. Six months he go after to court, he lose the court, he pay the fine and never discover the money of the rent. Where's the Human Rights that time for him? Where's the Human Right? 25 It is so easy, Mrs. Eagle, see ... just stepping on him, stepping on him to destroy his business to take it over, whatever she thinks, I don't know. I don't know what she thinks. If she hates you she hates you more than those German Gestapo hated the Jews 30 in '41. I don't know why.

Q. Tell me some more about garbage, Mike, all over outside and inside?

5 A. I told you, I don't have to repeat that much. Those people, the kids make lots of mess and they throw garbage through their windows, like down in the yards - like that's a beautiful yard. In the morning you could find garbage and corn but I didn't see most of the time from which apartment come. I didn't investigate, I just pick it up and get over it.

10 Q. How many times you saw small kids getting a big garbage bag outside?

15 A. Yeah, lots of times. Well three, four year old kid garbage, yes.

Q. That small?

A. Yes.

Q. And what you thought about this kid?

20 A. Well sometimes garbage break on the stairs but emptying didn't bother them because they never hurt me, like physically or emotionally. I just understand of them just maybe the way they are, and I clean it up. I didn't mind. But I couldn't stand up when the cockroaches show up. That's all it's about.

25 Q. Did you know at one time when I was renting to the church next door, they was asking me, they got someone, a family, a tenant?

30

A. They was lots of times asking him to rent the place, if he got empty place. And all Cambodians.

5 Q. Do you remember at one time when they asked me to give it to this Polish guy, or Polish man?

A. Yes.

Q. Hungarian family?

A. Right. And you rent them. Any he fix - there was 17 - no the second floor, right? He fix - you paid him \$200 and give him material to fix. He fix so beautifully, after I don't know, those other people moved in there after that. That place was a beautiful place. This was one of the best places in there.

15 Q. Do you remember when the church people at that time, and even some of the school principal, come in our area, using the kids to clean up, which was nice? Do you remember that?

A. Yes, yes that's true.

20 Q. But after Susan Eagle came on the scene this stopped being happening, is that right?

A. Well she come there first sometimes but after then when you went first time in court, those six tenants didn't pay, she sort of backed them, not protect them. And she knew that they was making you hard time, but she just - she just tried to make herself to go in the news media, "Mrs. Eagle protecting the tenants", and make herself a name.

THE CHAIRMAN: Try and focus your questions.

MR. ELIEFF: Yes, that's what I'm saying, yeah.

5 MR. ELIEFF: Q. Before Susan Eagle come on the scene, we were co-operating with the churches and the school and the kids were helping themselves and we were doing our best to keep it in order and clean, but this discontinued after Susan Eagle came on the scene, is that true?

10 A. Well, I didn't like it first time in court when she swear on The Bible that there was no dog there, and she knew exactly that family, how she lives.

THE CHAIRMAN: We have already covered that.

15 A. Okay, then after that I see she is on his back. That's what I want to say.

20 MR. ELIEFF: Q. But you remember before that, the other kids coming with school principal and trying to pick up some garbage with bags?

25 A. Oh yes, kids come and you give them a few bucks there.

Q. And that discontinued all of a sudden, right?

25 A. Right.

Q. That's what I want to make a point.

30 REPORTER: Could I just have a moment to change the tape?

THE CHAIRMAN: Sure.

5 MR. ELIEFF: Q. Can you say something about this in 37 tenant, and a few others, were doing to me accusing me of, you know - because of me renting it out to these refugees? Do you remember those two guys from 35? Young guys? You don't remember Ken?

A. Yes.

10 Q. And next to him, those two guys, single guys, who were in 35?

A. Oh there in the corner you mean?

Q. Yes they been fighting me because I been renting to these kind of people.

15 A. Well I knew the people didn't welcome those people, Cambodians, anyways. Well they didn't really go openly. But somehow I could see it, the people start moving out and I won't say all Canadian was good. Most of them were good, only was five, six families which made trouble there. So he gets  
20 rent to Cambodians, Canadians move and in two years time there was all Cambodians and Vietnamese in the place. That's it.

25 Q. In your three years' time as superintendent were you taking care of my tenants? When I asked you to repair things?

30 A. Well sometimes, the girl who broke water, she broke it - that was Canadian, not Cambodians. I go there and shut it and I call you and he called the plumber. The plumber lots of times come in there fix those things, but what's the use?

5 He fix one, they broke the other ones. In number one, the woman,  
she had one kid, she wouldn't even let nobody to fix it. She  
wouldn't open it. She break in the toilet the pipe and it was  
leaking for three months hot water. Cost maybe \$5,000 hydro, just  
pouring the water, she wouldn't let nobody in. That's true. No  
need to lie. He's not hundred percent but he's not so bad as  
they told him here. "He running us, he treat us bad", in the  
10 town he is the best to the Cambodians. Who else did it? Nobody  
wants those people. He never did find the place. Probably they  
buy a house or let a house somehow, but in apartments they got  
lots of problems to rent it, I know that hundred percent. But  
15 they not bad people, I like those people. They just messy. So  
what I can do? That's their problem.

THE CHAIRMAN: You've said that, all right. Mr.  
Elieff.

20 MR. ELIEFF: Q. Do you recall roughly how many  
times one of the leasees have broken my washers and dryers?  
Was it just one time or ...

25 A. No, no, too many times. I wouldn't say  
exactly, 20 or 50 times, but at least ten times been cut is the  
lead or where you put the money, break that drawer. Cut the  
cable, you know, it's all damages. But the thing is it was open,  
both side doors, and sometimes those tenants which live before  
- I see some of them come in there, like apparently they are  
30 going to visit the old ones. They might do the damage and likely

they did it. They come back and make it. You know, some of them kicked out and come there make some fast - because on both buildings, both doors was open. Was not locked doors.

5 THE CHAIRMAN: Let me see if I understand you correctly. You are suggesting that some of the vandalism in the laundryroom ...

A. Yes.

10 THE CHAIRMAN: ... was the result of previous tenants ...

A. Right.

15 THE CHAIRMAN: ... pretending to come in to visit people, but actually using the washers and dryers?

A. No, just to destroy it.

THE CHAIRMAN: Just to destroy it?

20 A. Just to destroy it, not to use the washer, no. Just to make damage, that's all.

THE CHAIRMAN: And they were able to gain access because the doors were not locked?

25 A. Right. That's another few apartments there, the same as them, about six, four - none of them got - the same entrance, the same things and none of the doors are locked.

THE CHAIRMAN: Did you see any of these former tenants yourself?

30 A. I see them come there but I didn't see them that they make that. Like I know one night they - I am sure one

of the tenants was in 31, was in Newfoundland, Newfie's we called them. Newfie's, what's the difference? They come back there on the second floor, visit the other guy, they was drinking - after half an hour they broke the fire extinguisher and they broke the glass, they smashed the fire extinguisher. I hundred percent sure that guy was there and he ran. We called the police, it was too late. The tenants which was living there and he, the same tenant, he give him \$500 to fix his apartment because he had four kids, nobody - like he had a hard to find with the kids an apartment. So he said, "Well I give you \$500 and material, you fix". And I think was deal for some of the rent for one month. I'm not sure, but something like that. And he came back, he broke his - lots of times - well I didn't say that, the other - like on this floor with fire extinguisher and the glass, thick about quarter inch, and they break it, smashed everything. This happened at least ten times. Then after - but interesting nobody called the fire department. Fire department know right away, I said, "Nobody called them". Like the people make damage and then they call the fire department and say, "Hey, there's trouble here", and they no live here.

Q. So after these Asians came, I started to rent to them very happily and they came more and more and more and cockroaches start appearing around?

A. No question about that. They brought cockroaches.

There was no cockroaches when I moved in there.

5 Q. And we had A Pest Control who were spraying  
once a month?

A. When I been there, in the three months, twice  
been sprayed.

Q. How?

A. Man just show up after I move there.

10 Q. If any of those tenants want to have little  
control over the cockroaches, could they call themself this pest  
control to come and spray in their apartments?

15 A. Some of them sometimes, like few of them was  
working and never really would open the door, and I wouldn't go  
in their apartments because you have to let them know in advance.  
You let them know, they not there or they just don't care.

20 THE CHAIRMAN: Let me see if I've got this. Did  
they know to call the pest control people themselves?

MR. ELIEFF: Q. If they wanted, they could have,  
right?

A. They could have, yes.

Q. Well I asked you, you told me to do it.

25 Q. I told you to do it.

A. He paid for that twice, he paid.

Q. And then I told you if there's any complaints  
you tell them to call pest control, they would do it?

30 A. They could do it, yes. He would pay. He would

pay it. He would pay it.

THE CHAIRMAN: Let me see if I understand this.  
You told them that they could call ....

5 A. Well there wasn't really too much complaining.  
One family only, well I said that time when they came to my  
place to spray it. I say, "You wasn't home, so you can call it",  
but sort of, he wouldn't really care anyways.

10 MR. ELIEFF: Q. So the tenants were aware? Were  
they or weren't they? That's what I am asking you.

15 A. Well you can't - I know usually that time,  
when I called twice, they sprayed whoever was home. They sprayed  
both buildings. The third time, I'm not sure did they come or  
I left and they come after, I don't know. But he did - when the  
cockroaches showed up, and still was some Canadians complaining,  
20 he paid two times to spray those things. Well in my place wasn't  
so many, they just show and they show a little bit more and I  
was gone. I moved.

Q. Your reason for moving out, what was it again?

25 A. Well I didn't tell you the truth. The cock-  
roaches, and when I couldn't clean anymore three times or four  
times a day your building. You wouldn't raise up anything anyways  
so ....

30 Q. Did you have your scare of this cutting tires  
around for you too?

5 A. Well the sametime, sometimes after month and half they cut my tires. I was gone too. But the damage was done on the car anyways and I didn't want to take chance on that, but I didn't like - cockroaches bothers me. Maybe they not that dangerous, but I just couldn't take that. That's all.

10 Q. So at that time all Cambodians and Vietnams knew that you were superintendent of mine? And they all could have come and were coming to you telling what the little problems they have?

15 A. They could but lots of them didn't. They only come if it's sometimes water leaks or some trouble. But it seems to me the cockroaches didn't bother them anyways. So what. Looks to me.

20 Q. But you did take care of them at that time, didn't you?

A. Well we sprayed twice I said and we called ....

Q. Not the spray, with the repairs?

25 A. Well whenever I couldn't do something, you been report it, and I know a few times, a very few times - lots of times the plumbing people did come with the truck. Lots of times, like sometimes when one was flooded, first floor, they clean it up. They throw some rug and plug up the pipe.

30 Q. Did you see them throw - like in wintertime they open windows, doors, just to let the smell goes out because even they couldn't stand up?

5  
10  
15  
20  
A. Well, I - they not open too much door, they cold. But the kids was hanging too much on the doors, like entrance door and playing and if they broke something, that's fine, it's the kids. But I didn't bother with them. Well I'm too much I can't recall, even that too much. They did open sometimes their door, like maybe if they hot or they cooking or something. But that really didn't - I didn't have nothing against them too much I know. I always clean up early in the morning or late in evening. I check through the daytime. If I clean in the daytime, after five minutes I have to go again, so I didn't bother too much. I make things a little bit - like through the day, whenever there is mess, they clean up and the next day I have to clean again. Sometimes I clean, like Saturdays, few times, but you can't keep up. The kids - why they give the kids rice and macaroni, spread all over, from the first to the third floor.

25  
30  
Q. How were the kids playing, Canadian and Cambodian kids at that time? Were they co-operating or hating each other?

A. Well Cambodians stick with them, together there own kids that speak their own language and understand any-ways. After there wasn't too many there, Canadian kids, maybe three families have a few kids, but they never play together.

Q. What about 38, that little girl she had?

She used to come playing around or cause trouble to others?

5 A. I don't even remember who live there in 38  
anyways at that time, tell you the truth. There was lots of  
things, I can't recall everything because I am there four years,  
out.

THE CHAIRMAN: Mr. Elieff, can we move on with the  
questions.

10 MR. ELIEFF: Q. My last question is, Mike, for all  
those three years what was your impression me as Elijah Elieff as  
an owner and as a person who - what was your impression of me?  
Was I discriminating?

15 A. No, no I just tell you example now. Where I  
live is same thing wrong, it doesn't come immediately a few  
times, and I don't break there, like break the pipes or sinks  
or washers or whatever. But in this place, he try his best, but  
lots of times there was no use. You fix today, tomorrow is broke.  
20 Whatever you do, go ahead and do, but think twice. He's not the  
man against Cambodians and he don't have no discrimination, I  
swear it, against those people. He's the one who took them out.  
None of that area took in so many as Mr. Elieff did. And I move  
25 from there - I come there because I was on the first floor, I  
had a small boy, was nice yard to play there. I tried to help  
him, but that was first Canadians made the trouble and after that  
start coming cockroaches, the place start get messy so I moved  
30

5 out. I didn't want to give him hard time. I not pay rent, fix the cockroaches. He didn't bring the cockroaches anyways. They wasn't there, no cockroaches anyways - you can even ask the former superintendent, he knows.

THE CHAIRMAN: You have made that point earlier.

10 A. Yes. If he didn't want those people he wouldn't let three families in an apartment, or two guys in an apartment, living seven. They got party 15 people in there.

MR. ELIEFF: Q. Thank you. Good bye. Thank you very much. Thank you.

15 THE CHAIRMAN: I just have one question before the other parties have a chance to cross-examine you. You said that you met some of the prospective tenants while you were superintendent there. He didn't want to rent apartments without seeing you first, is that correct?

20 A. Yes.

Q. Do you remember whether the tenants had a chance to see the apartments before they paid first and last months' rent?

A. Two of them did.

25 Q. Two of them?

A. Yes.

Q. Of how many?

30 A. Maybe four or five, because he's the one put in the paper and he's the one renting it anyways. And the both of them, like the one on second floor in 105 was woman with three

5 kids. She was very beautifully kept apartment, and even the  
guy - I know still his last name today - Johnston. I told  
Elieff, because I have experience with the people, "Don't rent  
that guy a place". He rent it. After he paid first and last  
months' rent, he didn't pay for one year but he had money for  
booze and cigarettes and everything. And apartment was perfect  
and when he moved out, the apartment was destroyed, like million  
10 holes all over the walls.

THE CHAIRMAN: Okay, but my question was, when  
people came to rent the apartments ...

A. Right.

15 THE CHAIRMAN: ... in your experience, did the  
- in your experience, did the tenants have a chance to see the  
apartment before they paid first and last months' rent?

20 A. Well about three, four of them did and none  
of them didn't rent the apartment. They said it was too expen-  
sive. Sometimes I showed, sometimes you showed. He was the  
one who was renting it.

MR. ELIEFF: That's not the question, Mike.

25 A. But I show them, I show them, two family I did  
show.

THE CHAIRMAN: Yes?

A. Yes, and they wanted that.

30 THE CHAIRMAN: All right.

A. But most of the renting, he did it.

THE CHAIRMAN: All right, thank you.

A. Right? You did it.

5 THE CHAIRMAN: That's fine. Ms. Hon, do you have  
any questions for the witness?

A. She wasn't there anyways when I was living  
there. She can ask me but she wasn't living there.

10 THE CHAIRMAN: Certainly.

CROSS-EXAMINATION BY MS. HON:

15 MS. LONG: She would like to know, you keep bring-  
ing up about Cambodian food smells so terrible. She say, "I am  
eating the same thing, fish, vegetable, port, etc. and why he  
keep complaining that my food smells so awful? To me Canadian  
food is smell to me and other people's food smell to me too  
because I don't get used to their food, so why is he keep making  
20 that remark over and over again that our food smells so badly?".

A. Listen, I told you, maybe that's your custom,  
fine. Smells bad to me but maybe it smells nice to - maybe some  
my food smells bad to you. I can't help it. Canadians don't  
25 used to that and also Canadians, if they smell once, they're gone.  
That's the Canadians. I told you before, I don't got nothing  
against Cambodians or your food. That's your custom, fine, but  
that bothers me. Like my stomach bothered that. I never used  
30

5 to that. Probably the best food you could ever eat, but I told  
you that it's not because I don't like you or your food, but  
that food bothers me. Is that wrong? Is that discrimination?  
Then fine, I am no good. That's what I want to tell you.

THE CHAIRMAN: He gave an answer, that's fine.  
Is there a further question?

10 MS. HON: I just want to make a statement. Just  
like he mentioned, our food smell, but from my point of view I  
don't go saying his food smell, I just accept it because that is  
the way their food. I don't come and say that their food smells  
bad, make me sick. I don't say that because I accept it, that's  
15 the way their food is.

THE CHAIRMAN: Okay, that's fine.

A. I told you, I don't got nothing against that.  
I don't hate them, I got nothing against them. That's all.

20 THE CHAIRMAN: Ms. Sanson.

MS. SANSON: Just a couple of questions.

CROSS-EXAMINATION BY MS. SANSON:

25 Q. When did you move out of the Cheyenne apart-  
ments?

A. Sometime - I come there in '85, in the early  
spring, and '87 in the late fall I moved out.

30 Q. '87 you moved out?

A. Right.

Q. Okay.

A. Sorry, '80 ... I got three years there.

Q. Three years?

A. Three years, yes. That was '88 in October  
and we move in early spring, I don't know, May or April, in there.

Q. In '87?

A. '85 we moved in.

Q. '85 you moved in?

A. In apartment 105.

Q. Okay.

A. Apartment 6, 95.

MR. ELIEFF: 95.

A. Oh, 105, apartment 6, that's right. That's  
building 105, apartment 6, on the end.

Q. Yes. And then how long was Glen Albright there?

A. Well that time he was just - but Glen wasn't  
really cleaning that building. He just was renting the place,  
and like supposed to be repairing something. He had a cleaning  
woman. The woman was living there, she had two kids. She was a  
Canadian woman and she cleaned the place through the week, once,  
twice. He's the one just in case needs some repairs and to run  
the place, and Elijah Elieff, Mr. Elieff wasn't happy with him  
and he told him he won't be superintendent anymore. Not because  
me there - I didn't want to be anyways - in places I heard is too

much trouble to be superintendent.

Q. And so how long was he around before you took over?

5 A. Well he was another few months and then he told him that he won't be superintendent but he can be a tenant and he stayed for another about almost two years afterwards.

Q. He stayed for two years afterwards?

10 A. Yes.

Q. And so you said in your evidence that you weren't really the super.

15 A. Well I wasn't, like what I done, the woman quit cleaning ...

Q. Uhm hm.

A. ... so any information he give the tenants note, if somebody got trouble with apartment or whatever, to report to number six.

20 Q. And you were in number six?

A. I was in number six.

Q. Okay. Who gave notes, you gave notes?

A. No, Elieff, Mr. Elieff.

25 Q. Was the note in Cambodian?

30 A. Well Cambodian, that when they just moved, they just came next spring. Like they just start coming in the fall that year, and when they move in they knew where to go if there is any trouble.

Q. How did they know that? How did they know that?  
You said they didn't speak English.

A. Well they know 105, when they move there I  
5 was already there when they moved.

Q. Uh huh.

A. Well most of them didn't know at all English,  
but they wasn't fool. They knew the time, how much, where pipe  
10 leaked, they knew that. None of them wasn't that they didn't  
know nothing. They knew it but they never knew it if you start  
make - they couldn't get you. Some of them knew it. Like the  
guy in number four, he knew it.

THE CHAIRMAN: I think the question was, even though  
15 they didn't understand English how did they know ...

A. I told them.

THE CHAIRMAN: But they didn't understand English.  
How did they know that you were the person to look after ....  
20

A. Well even he told them, "Number six - any  
trouble, number six". He told them, Elieff. He told them. But  
most of them I knew when they come there, when they moving there.  
They see me cleaning at that time, the woman quit about month  
25 time when I move in. She quit, she moved, that's all. So they  
see me cleaning, they just come themselves, they ask. But they  
didn't very much, for that time they didn't complain very much.  
They complain sometimes about the washers, like you know in the  
30 washrooms. I fix them that myself, he didn't do it. But for

bigger repair he did it. He go with his - he had a plumber, a contract plumber which was doing the plumbing jobs. But there was no electrical problem at all.

5 THE CHAIRMAN: Sorry, Ms. Sanson.

A. That's okay.

MS. SANSON: Q. Can you tell me who bought the cleaning supplies?

10 A. He did.

Q. How often?

A. Every weekend his wife would bring that detergent for washing the floor and for Windex for cleaning the window and we had a vacuum cleaner there. If its anything wrong - but it was quite a good vacuum cleaner. I vacuum it and I wash the floors - and that's all about it. And wash the laundryroom every week, wash one twice. They have a laundry in each building.

20 Q. HOW many tenants were in 105, how many people?

A. It was full that time.

Q. How many units?

A. 20 units.

Q. How many people?

25 A. How you mean, how many people in each apartment?

I don't know, we only had about three apartments .... In '86 we had three apartments and in two apartment live two families and in one apartment live seven guys, single guys, Cambodians. Maybe easy on the rent for them - two guys rent it but seven lived in

30

there.

Q. Did you collect the rents?

A. No.

Q. Who collected them?

A. Elieff.

Q. Who was responsible for enforcing bylaws?

A. You mean how many people lives in there?

Q. Yes.

A. Well I report it to him but I didn't have no right to tell them move or not. I just told him so many people living there.

Q. Uhm hm.

A. That's up to you what you going to do, he never done nothing. He says, "Well til they find a place, what I going to do now?".

Q. Okay.

A. Well I reported him that so many people live in there but I didn't have no right to tell them, because I didn't rent them place and I didn't sign the lease either for there.

Q. Now you said to me that while you were there between '85 and '87 that there were - three times there was spraying done? Is that right?

A. When the cockroaches showed up ...

Q. Yes?

A. Yes. Like when those people move in they don't

Mike Sucur - cr-ex.  
(Sanson)

show for one, two days, maybe for six months, then they crawl through the pipes, whatever, or however they travel, anyways they come to my place somehow.

5 Q. Uhm hm.

A. And I was right on the corner, I don't know how they came there.

Q. Uhm hm and so what did you do then?

10 A. Well I told him and then he phoned those people, whoever is in charge, it's a company who will do spraying, spraying job.

Q. Who was it, do you know?

15 A. I knew the guy, which was earlier looking after like spraying the hallways, then we reported him, he bring us some other guy - he brought us some white stuff like a flour or something and he spray my apartment. He spray any apartment which he could get in.

20 Q. And three times this happened while you were there?

A. Three times in three months.

Q. Three times in three months?

25 A. In three months. Because they come back. He spray, they come back. Like they didn't show right away, you know, but slowly somehow they just goes all over the place. I don't know how but they come. I still would be maybe for a little  
30 while there, but I don't blame anybody, but the cockroaches wasn't

there before come those people.

Q. Which people?

A. Cambodians.

Q. You blame them?

A. I don't blame them. Wherever they live they

brought them from there. Why they leave the other place down

Huron Street, they was carrying placards around on t.v. there,

"Cockroaches, not fixing the place". He let those people in.

Well maybe that's not their fault but they brought it. There was

no cockroaches whatsoever in that place, add they show up,

Canadians 90 percent move out.

Q. Not a single roach, eh? You're absolutely sure

of it?

A. Not a single roach, I guarantee you that.

There was no cockroaches there. But maybe is not their fault.

Whose fault I don't know. After they came, the cockroaches show up.

Q. Can you tell me what steps you took to advise  
the tenants in your job as ....

A. Well I wasn't fully superintendent, I was  
taking care of the cleaning the hallways and the two laundryrooms  
and clean around parking lot and that, and report to him what's  
going on. If it is any big repair, I report to him and Elieff  
take over after.

Q. So your job was just to clean the hallways?

A. Well I done odd things, like small things,

repairs, change the washers or things what I can do. But I wouldn't do big repair plumbing job or change any new toilets or sinks or that. I wasn't doing that.

5 Q. And you weren't responsible for spraying?

A. No.

Q. So you never took any steps to advise the tenants that the sprayers were coming in?

10 A. Listen, all of them knew it when we spray.

Q. How did they know that? How did they know that, did you go around and ....

15 A. They never even complain, they never even complain.

Q. You told me they don't speak English.

20 A. Listen, they not speak English, yes. They don't speak English but they didn't even complain against cockroaches. Canadians was the ones, still was some family, who complained about cockroaches. They didn't even care about cockroaches.

Q. Who didn't care about cockroaches?

A. The Cambodians.

25 Q. That's your evidence? How do you know that?

A. They are there. I know they got cockroaches, woman across me, she's Vietnamese, I know cockroaches come from her place in my place. She never complain once. That's how I know. She never complain.

30 Q. Did you ever ask her?

A. Why should I ask her what's going on in her ....  
Do I ask you what's going on in your apartment?

Q. You're the superintendent.

5 A. So what? She never said about cockroaches.  
I don't want to ask her, "You got cockroaches?". I know she got  
it. Before live Canadian family there, never complain, no cock-  
roaches. I never had no cockroaches.

10 Q. You never notified them that they were coming  
in to spray?

A. Well, I told you when we - there still was  
about between six and ten Canadian families in there and they  
start complaining and we sprayed.

15 Q. Did you notify the Cambodian tenants, did you ...

A. Yes.

Q. Did you give them a note under their door?

A. They went in their apartment to spray it, yes.

20 Q. Did you notify them in Cambodian that the  
sprayers were coming ...

A. No I did not.

25 Q. ... in and they would have to vacate their  
apartments?

A. No I did not notify them in Cambodian because  
I don't know Cambodian.

30 Q. Okay, did Mr. Elieff notify them that they were  
coming in to spray?

5 A. The first guy when the Canadian complain over cockroaches, he is the one who knew it, and he's the one who organize two times complete spray all over the apartment. Maybe three, four apartments wasn't sprayed, they wasn't there. You can't go in those people's apartments and spray the apartment.

Q. Uhm hm.

10 A. But most of the apartment, he sprayed it twice, third time we organize. But I am not sure, did we or didn't we, because I moved out.

Q. Uhm hm and you're sure it was three times they came and sprayed?

15 A. In three months.

Q. In three months?

A. In three months, yes.

Q. Okay.

A. Yes, I know.

20 Q. I am really puzzled by that because Mr. Elieff has told this Board that three times in eight years he has sprayed.

25 A. No, no, when we sprayed once, the woman is there whose name is Maria, after a week she complain again. She said, "Cockroaches".

Q. Uhm hm.

A. We phoned the same guy, in a month's time they come again, so it means in about two, three months they spray twice.

30 Q. Uhm hm.

A. Third time we organize again and I was moved.

Q. Uhm hm, but I know that there's been spraying done after, but .... So you're saying three times it was done.

5 Mr. Elieff is saying three times in all of the time that he's been there there was spraying.

MR. ELIEFF: Different sprayings.

A. Well we couldn't - it's okay - we couldn't find no cure because when you spray those, like I had in my apartment, catch one, only one.

MS. SANSON: Q. Uhm hm.

A. But they show. We spray and we left him four days leave on the floor, he come alive.

15 Q. Uhm hm.

A. So there was no cure for them. So what he done afterwards, because I been there from '87 or '88 I moved out. Now is '92, that's four years isn't it?

20 Q. Uhm hm.

A. So how many times he can tell you if he ever sprayed. But I know those people never complained about cock-roaches, no question about it. They never complain, they never complain. The Canadians the one who start complaining.

25 Q. Uhm hm.

A. So if they not complaining, you don't bother with them, do you.

30 Q. How do you know that they never complained?

A. They never tell me nothing.

Q. Uhm hm.

5 A. None of them, they never come to me and say,  
"Hey, we got cockroaches, spray it".

Q. Uhm hm.

A. They didn't. Maybe all of them didn't have  
them anyways, I'm not sure.

10 Q. And you never asked them?

A. Well I never asked them but I never go in their  
apartments anyways.

THE CHAIRMAN: I think we are going around in circles.

MS. SANSON: I think so.

15 MR. ELIEFF: He is talking about different sprayings.

MS. SANSON: Mr. Elieff.

THE CHAIRMAN: Mr. Elieff, please, the questions  
are being asked by Ms. Sanson.

20 A. It's okay, what's the difference?

THE CHAIRMAN: You can ask him a question related  
to that in reply.

A. We couldn't kill them anyways, so what. The  
25 place bitch place, I know that.

MS. SANSON: Those are my questions.

THE CHAIRMAN: Now you can ask a question in reply.

30

RE-EXAMINATION BY MR. ELIEFF:

Q. Mike, what you mean, three times in four months, who sprayed that?

5 A. Just a minute. When I told you the cockroaches showed up and then Marie explain the guy in number 20 on the third floor, we phoned the guy which was spraying hallway, right?

Q. That's right.

A. Right?

10 Q. Right.

A. He come next week spray it.

Q. Okay, that's not the same related sprayings.

15 THE CHAIRMAN: You've got to let him give the answer and let the answer sit.

A. I was there.

THE CHAIRMAN: Just ask the question.

20 A. Show which spray, the same woman come after three weeks, Maria, she complain again. She says, "Back again".

MR. ELIEFF: Q. You were calling the pest control to take care of your place?

A. Yes they been there.

25 Q. Same thing can be done by any tenant, right?

A. Well I told you but most of them been sprayed. Maybe three, four apartments they wasn't home, they wasn't sprayed, no. Did they have or didn't they, I don't know. Maybe a1l of them  
30 don't have no cockroaches.

Q. Okay, Mike.

A. I have them. They show up. That's why I moved.

That's all.

5 Q. Three times in four months you were telling  
the guy who was coming once a month?

A. Right.

Q. To take care of your apartment?

10 A. We done once and they show again in about - it  
wasn't even a month, we done it again.

Q. You call them again?

A. We call them again. He did it again.

15 Q. Right.

A. So third time we call him I don't remember  
because I move.

20 Q. So the guy did three times for you in four  
months?

A. Two times.

Q. Okay.

25 A. The third time we arrange him but I moved that  
time, yes I remember that.

Q. Okay, so these guys took care of you, as you  
ask him, didn't he?

A. Yes did, but you paid it.

Q. I did.

30 A. I think so, you did it.

Q. Could the other tenants do the same if they wanted to?

A. We did most of it.

Q. That's what I'm asking.

A. Well we did most of it. I said three, four apartments wasn't sprayed, the people not home. I don't go and open their door.

THE CHAIRMAN: I think you gave the answer.

A. Yes.

THE CHAIRMAN: All right, any other questions.

MR. ELIEFF: Is that clear to the Board?

MS. SANSON: It is not clear to me. I thought your evidence was that Mr. Elieff called. Who called, did you call or did Mr. Elieff call?

A. Ms. - whatever your name - we tried that time to kill them because we tried to keep people ....

MS. SANSON: No, but did you call? Did you call the A-One Pest Control?

A. No, I call the guy which was spraying the hallways, that's the same guy. I told him.

MS. SANSON: You called him on the telephone?

A. No, when he come spray the hallways, I talk to him.

MR. ELIEFF: On the spot.

A. On the spot, right. He come every month spray

5 all three floors, like for the bugs. And I told him we show up  
the cockroaches, and he's the one who send the guy right away,  
different guy, not him. And he sprayed - the woman - she's a  
single woman, maybe in her 50's, she come up in three weeks, she  
said, "Again". So we called again same guy and third time we  
order it, like to try some different cure because whatever they  
sprayed, didn't help. You just knock out those cockroaches,  
10 maybe for three or four days and then they come back.

THE CHAIRMAN: I'm sorry, I think we've flogged  
this issue to death. Are there any other questions in reply?

A. Well I don't know anything else to say it.

15 MR. ELIEFF: Q. So whenever you called the guy he  
was coming?

A. He came there.

Q. And he was willing to do it everybody else's?

20 A. Yes, everybody could have had spray if they  
want to.

THE CHAIRMAN: Mr. Elieff, you have asked that  
question.

A. Yes.

25 THE CHAIRMAN: All right, you can step down, Mr.  
Sucur. Thank you very much.

A. Yes, sir, thank you.

THE CHAIRMAN: It is ten to 4:00.

30 (DISCUSSION OFF THE RECORD)

R E C E S S

(3:50 p.m.)

U P O N R E S U M I N G :

(4:05 p.m.)

5 SULTANA ELIEFF: SWORN

EXAMINATION IN-CHIEF BY MR. ELIEFF:

10 Q. Do you recognize Ms. Hon, our tenant?

A. Yes.

Q. Which apartment she live now?

A. 18.

Q. Which apartment she live before she moved in 18?

15 A. She living before 17, apartment 17.

Q. Can you tell us when you first meet her, and  
you meet her for what?

20 A. To open apartment number 17, she look at apart-  
ment number 17.

Q. You showed her apartment number 17?

25 A. Yes her and her boyfriend or husband, I don't  
know, two people, you know. She and one guy and see apartment 17  
and she said, "You know, is nice", she liked it, take that apart-  
ment.

Q. When you show her apartment 17 did she complain  
anything?

30 A. No, she like that apartment, she said, "Okay, we  
take it".

Q. And she had a man with her then?

A. Yes.

Q. What did she said then who she was? Concerning

5 family, what's she got?

A. She said she good lady, she good tenant where they living, not problem to make it.

Q. So that was first time you saw her, just showing apartment 17?

A. Yes.

Q. And do you recall after that what happened?

What happened after that?

A. After that?

Q. Who rented her apartment, you or me or who?

A. Renting the apartment, done to you, you know.

THE CHAIRMAN: I'm sorry, could you repeat the answer? The reporter couldn't hear that. So repeat the question and we will have the answer again.

MR. ELIEFF: Q. You only show her apartment and she like it?

A. Yes.

Q. And then what else you know about it, she took it, moved in. Was any problem after she moved in?

A. No, she not problem.

Q. Any complaints?

A. No.

Q. Did she mention to you anytime earliest date that she might need two bedroom in the future?

5 A. A couple of months after that, yah, she tell me she going to get two bedrooms, you know later.

Q. Did she says why she like two bedroom apartment?

10 A. One bedroom you know is not enough for her, two children and boyfriend there, you know, four people in one bedroom apartment.

Q. Is that what she said?

A. Yes.

15 Q. How she approach you, ask you? When she asked you to get two bedroom, what she said to you? Do you recall what she said?

20 A. She said she's like one bedroom. Next time I go down hallway she said, "That's apartment empty, I like you to show me". I opened up apartment ....

Q. Which apartment?

A. Number 18.

Q. Was empty at the time?

25 A. Empty. She looked at apartment, she like. She said, "I like one time to see that apartment", my boyfriend - I don't know her boyfriend, but her husband - two times I opened up for her to see that apartment. She's like that apartment, good cleaning and painting and she move in.

30 Q. Who painted that apartment?

A. You painted.

Q. And was it painted through completely and everything in order?

5 A. Yes, everything is nice. I tell to her, "Drop some paint on the floor". I said, "You know, he's not done, that paint on the floor, drop some". She said, "Oh don't worry about - my boyfriend, you know ...", and she say old stuff from there and moved from that apartment. Move there, number 18.

10 Q. When she moved into 18 did she complain anything about 18?

A. No, she not complain nothing.

15 Q. Cockroach?

A. No, she no complain. I think she moved in. She took carpet from number 17, the bedroom, bring to 18. I no complain to her, you know.

20 Q. What did she do you say?

A. She take a carpet from bedroom from 17, bring to 18.

Q. Even though it is not allowed?

25 A. Not now. I don't tell to her nothing, you know, for that.

Q. Do you remember when she asked you for two bedroom, did you say, "Yah, I'm the one who give apartments out"? Is that what you said or did you said ....

30 A. No, I tell to her to ask you, you know.

Q. And then what happened? Didn't you and me met her one time there and she approached us to rent the apartment?

5 A. Yes, after that, you know, she spoke to you one day you and me go there and you know, this time she give to you rent to pay it.

Q. What did I said to her about letting her in 18? Did I said to her, "You good girl, bad girl" and this kind of jokings or what did I said?

10 A. No. You just said, "My wife like you. You good lady", something like that and "I give you two bedrooms, move from one bedroom to two bedrooms". She was nice to me and every time I go around, you know, nothing is wrong with her.

15 Q. Is it surprise to see her charging me all of these things?

A. I am very surprised.

Q. Why?

20 A. You know, nice talking with that and "Hi", all the time, you know. I can't believe that.

Q. Was she sometime telling you something about some Vietnamese, how the Vietnamese are - some Vietnamese are bad, or some Cambodians are good, stuff like that?

25 A. Yes, yes sometimes talking a lot about that, yes. She's nice to me and talking some of that, you know. Some problem there and some ....

30 THE CHAIRMAN: Mr. Elieff, please try and ask the

question without putting the answer in.

5 MR. ELIEFF: Q. When I was attacked, assaulted by three Vietnamese and almost killed in 95 laundryroom, what was her response to you for that attack that I received from Vietnamese? What was she telling you? What did she told you then?

A. This time she ....

Q. She told you right?

10 A. Yah, she tell me. You go down there to collect rent, she tell me. "Mrs. Elieff, I tell to you, you know, Elijah almost three guys killed him, you know". 95. I said, "Why?". "I don't know, ambulance come and he go to hospital something like that", you know.

15 Q. You saw her showing concern about me personally?

A. Yes.

Q. And now she's charging me?

A. She tell me that, you know.

20 Q. She was expressing your sorrow, what happened to me then, right?

A. Yes.

25 THE CHAIRMAN: Mr. Elieff ...

MR. ELIEFF: Okay.

THE CHAIRMAN: ... these are your conclusions.

MR. ELIEFF: I am not English speaking person so take this in consideration.

30 THE CHAIRMAN: Okay.

MR. ELIEFF: Me and my family are still not good in English.

THE CHAIRMAN: No, no I understand and I am being very careful and trying to allow a lot of that in, but ....

MR. ELIEFF: I am very sorry.

THE CHAIRMAN: ... you're learning in the process. I understand that. Try to stay away from your own judgments and opinions and ask the witness the questions.

MR. ELIEFF: Sometimes I don't know the words.

THE CHAIRMAN: I understand that.

MR. ELIEFF: Q. Tell us, Sultana, more if you know about her family and herself, how she is with you and the rest of our family? In any time she complain or said something to you that "Elijah said this to me. I hate him for it", or anything like that?

A. No, never she tell me that, no. If she tell me some problem she got, you know and after that you go fix, or my son fix, you know some problems inside.

Q. With all of this vandalisms, machine broken, lots damages been done around, what was her response to you? Was her response that she felt sorry for what been going on around our apartment-buildings there, or she was not concerned at all?

A. I'm not sure.

MR. ELIEFF: She doesn't understand the question.

MR. ELIEFF: Q. So anyway, what in your belief you

think, if I was so bad person and landlord for Ms. Hon, would she  
been so nice to you and the rest of our family?

5 MR. ELIEFF: I can't get my questions out. Com-  
plicated questions, she cannot get them. Okay.

THE CHAIRMAN: Let me see if I can rephrase the  
question. I'm not having that great a time rephrasing the question.

10 MR. ELIEFF: We are Macedonian, that's why we welcome  
Cambodians, because we are Canadian people all the time.

THE CHAIRMAN: Go ahead and ask the question.

15 MR. ELIEFF: Q. Did you ever see me, or any of our  
family, including you, disliking these people? Did we like them or  
did we didn't like them?

A. We don't like renting to him. I like everybody.  
Everybody I like, I not ....

20 Q. Was any of them bad towards you or me or anybody  
else, or were they all so nice and friendly with us at all times?

A. All times, I never not tell them or you not  
tell them nothing.

25 Q. How many times you talk to them, asking them if  
they have another family so we got empty apartments ....

A. Yah, lots.

30 Q. ... and many times they would ask you the same  
thing?

A. Yah, lots of times I tell them, "You got some  
friends, bring them". Like I took her, you know, she talked to me,

5 you know lots of times about that. She bring me her friends, you know, her friend, after she moved there and bring some friends for number 17, her friends. You know, she bring her friends to number 17 and apartment is no good. You know.

Q. So what happened, she said, "I'm taking 18 and a friend of mine is having 17"?

A. Yes. She tell that to me.

10 Q. Did we have cockroaches before we start renting to these people in our buildings?

A. No, no cockroach.

15 Q. And did we have pest control going every month, once a month spray?

A. Yes, every month going there.

20 Q. And they all could have seen this guy spraying the halls?

A. Yes, that's right.

25 Q. And they had the right to complain to them, why they have some problems in their apartments?

A. That's true.

30 Q. So what you are saying, you and all of us never at any point disliked these people, or any other people as tenants of ours? We liked them at all times, even now we like them very much?

A. I like them yes. Somebody charge you. I like them, nice tenants.

Q. But then, what problems we have that are coming from them? Tell us what their children have been doing around?

5 A. The children some day makes lots of, you know, dirty everywhere.

Q. Have you sometimes said some of their parents, "Do something about it", as a concerned person?

10 THE CHAIRMAN: I don't know if .... Did you ever speak to any of the parents of the children?

MR. ELIEFF: Q. To the parents and say, "Do something"?

A. No, I don't know.

15 Q. Did you complain to the parents sometime what their children do?

A. Did I complain to somebody? Is nobody except the children make it, you know, garbage or make some damage.

20 Q. So in your knowledge, the parents of those too many children never show anything to keep ....

A. To keep it neat or to make some damage, no.

25 Q. Have you ever complained to me because two families in one place, too much people in there?

A. I lots of time complain to you.

Q. Why you complain to me?

30 A. Lots of, you know, kids, lots of family there. Go to see some problems, you know, beds in the livingroom, bedroom, all these beds, you know lots of people living there.

Q. And what I say, personal as Elijah?

A. You said, "That's okay, kids is kids, you know", something like that. I don't like it, two family living together  
5 like that.

Q. Do you recall all the damage, wash machines broken and emergency stuff broken, do you recall those things?

A. Yes. I remember, lots of times you fix and pay  
10 lots of money for that again, you know make same things.

Q. That happen many times?

A. Yes and machines, you fix them again.

Q. How many times the little glass on the front doors been broken and the kids been going through, in and out?  
15

A. That, maybe three times.

Q. How many times you told the kids, "This is the door to go in, not through the holes"?

A. Lots of times, I been there all the time tell  
20 the kids, "Don't go in and out".

Q. What was their response? They don't care I guess?

A. No.

Q. Okay, what else? After this was blown out of  
25 proportion and after the Free Press reporters perverted so much of  
my stories in the Free Press, and this some of the tenants see  
what the Free Press is saying that I supposedly was saying, what  
some tenants or Cambodians told you concerning calling you names  
30 you been going there in 95?

MR. ELIEFF: She can't understand my questions.

THE CHAIRMAN: Do you understand the question?

A. No.

5 THE CHAIRMAN: Do you remember in the newspaper  
there was an article, a report ...

A. Uhm hm.

10 THE CHAIRMAN: ... Can you tell me whether the  
tenants, the Cambodian tenants in the apartment, reacted to the  
newspaper report?

15 A. Yah, I know now. One time I go, you know, like  
the paper pick-up, you know that's around the building. Number  
4 and 8, you know on that side? I pick some paper there and I  
don't know -- big, big garbage, you know. I said, "Who put that?".  
I pick all garbage again for another garbage, besides me on that  
side, you know, because what can I do? I say, "Why pick the  
garbage again?". Nothing, you know for that.

20 MR. ELIEFF: Q. Did some of them call you "Macedonian  
pig" or "Yugoslavian pig"?

25 A. This time I know somebody said that. I don't  
know who that from, which apartment, you know. This area I pick  
some garbage.

Q. And because of all of this perverted story that  
came into the paper from London Free Press, the tenants, organized  
by Susan Eagle, they came in front of all the sub shop downtown.

30 What you think about that? Was that right for them to do or wrong?

5 A. That is not right. She stand with people down there beside my shop. She make too much my business down, you know. Why she going there? Why not go beside my bill down here, on that street? Why on Richmond Street? That is not my building, my building down there. She going there, you know, around ....

10 Q. What was the reaction after that demonstration with our business? What some customers used to say as they come by?

15 A. This time, lots of yelling like that, you know, she said, "Scum" or "You put cockroach in subs". I don't like that, "Take your subs", you know and go out. Just joke like that, you know. My business.

Q. For how long this last, how many years?

A. Still, same thing still.

Q. Continuous?

A. It continues.

20 Q. Even after all of this, Sultana, can you say all of us, what's your opinion, personal and for all the rest of our family, our feelings towards all of this big mess? Do we again, in some way dislike these people, hate these people or still we still love them? What is your opinion? That's the final question I want to hear.

25 A. I still love that people, that my tenant. All time I ask, "Got some friends, bring to my apartment", you know. I like them, you know, I like them.

Sultana Elieff - cr-ex.  
(Sanson)

THE CHAIRMAN: Thank you. Questions on cross-examination? Does Ms. Hon have any questions?

MS. SANSON: If I could just have a moment?

THE CHAIRMAN: Sure, off the record.

(DISCUSSION OFF THE RECORD)

CROSS-EXAMINATION BY MS. SANSON:

Q. Could you please tell me where you live?

A. Pardon?

Q. Where do you live?

A. In my house, 6 Alayne Crescent.

Q. Is it close to the apartment buildings?

A. No.

Q. How often do you go there?

A. Pardon me?

Q. How often do you go there? How many times do you go to the apartment building?

A. All the time I go down there. Maybe somebody like to rent the apartment, I go down there to open apartment, you know. I am going there.

Q. So you show the apartments?

A. Yes, Elieff, yes.

Q. Are you the landlord as well as your husband?

Are you in charge of the buildings or is your husband?

MR. ELIEFF: She my secretary.

A. That is both.

Q. Both of you?

A. Yes.

5 Q. When someone wants to rent an apartment, where do they go? Do they go to the sub shop? Is there a notice in the sub shop?

A. Yah.

10 Q. About the apartments?

A. Is like the apartment. After that, go talk to my husband, you know.

Q. Yes?

15 A. Go see apartment, she like and go down there, talk to my husband down there, you know. Give money, rent an apartment and ....

20 Q. Uh huh. Are you sure that you showed Chippeng the apartment before she rented it?

A. Yes, yes I showed. I showed 17 and 18, hundred percent I am sure. I opened for her apartment 17 and 18.

Q. Okay, because she said you didn't.

25 A. No, hundred percent. Her boyfriend or husband, I don't know, anyways together, you know, I hundred percent.

Q. After she rented maybe, is it possible? After she paid her money, after?

30 A. No before, I open apartment, you know. She see apartment with that guy, I don't know who is that, you know.

Q. 17?

A. 17. After that she look from 17, go in two bedrooms.

Q. Uh huh.

A. After she living there in 17, and she down there, you know, she said she move in 17, "I need some two bedrooms later".

Q. Uh huh.

A. After that apartment open and she like move from there, want a two bedroom. I showed to her, she's like it and go to my husband and ask him, you know. So my husband, he took her. But I like her, you know, she talk all the time to me and she find some other friends there to bring. You know, so I give to her and my husband, you know, and my husband like it too to give two bedroom.

Q. Hm hm, I want to talk about number 17 first though. Number 17.

A. Okay.

Q. Okay, are you absolutely sure that you showed this number 17 to Chippheng ...

A. Yes I am sure.

Q. ... before, before ...

A. Before she moved in.

Q. No, before she paid money to your husband for the apartment?

A. No I wasn't. She see before, apartment after that pay money.

Q. You are absolutely sure?

A. Sure, absolutely I am sure that.

Q. Because Chippeng says that's not true?

A. No.

Q. And you are absolutely sure?

A. Absolutely sure, yes.

Q. So either Chippeng is lieing or you're lieing?

Is that right?

A. I am hundred percent, you know, sure I open for her. She like that apartment, she see it clean and she goes to my husband to pay rent.

Q. What did she say to you?

A. She said, "Okay I like that apartment. I take it". After that she going there and pay rent, you know.

Q. Is that all she said to you?

A. Yes.

Q. "I like the apartment"?

A. She said that then she said, "Okay, apartment", she like it and "Take that apartment", you know.

Q. So what were her words to you? "I like the apartment"?

A. She said, "I like in renting that apartment". She go say to my husband - why you asking me that?

MR. ELIEFF: Just say what is true, that's all.

A. How I can tell that?

MS. SANSON: Q. Anything else?

5 THE CHAIRMAN: Mrs. Elieff ....

A. Three times, four times, same thing.

MR. ELIEFF: Same question.

A. She ask me, make me mad too.

10 THE CHAIRMAN: Mrs. Elieff, it is an important  
question ...

A. Yah okay, I tell to her.

15 MR. ELIEFF: It doesn't have to be asked three  
times, same question.

A. I tell to her, I am hundred percent I open  
apartment. Is same thing, clean, nice and she move, you know,  
go to rent from my husband, and move in. Now again, ask me that.

20 THE CHAIRMAN: The really important point in that  
whole description is whether Ms. Hon paid the money for the  
apartment before she saw it or after she saw it. Did she pay  
first and last months' rent ...

A. Yah.

25 THE CHAIRMAN: ... after you showed her the apart-  
ment or before you showed her the apartment?

A. I just show her apartment, after that she speak  
to my husband.

30 THE CHAIRMAN: Mr. Elieff, please. The question is

going to be answered by the witness.

MR. ELIEFF: And I'm objecting to the question being asked five times.

5 MS. SANSON: I am going to ask at this point, Mr. Elieff, if Mr. Elieff or Zoranco ...

MR. ELIEFF: I'm objecting.

10 MS. SANSON: I am going to ask for them to be excluded if this happens once more. Each and every witness that we have heard today, Mr. Elieff has put evidence in their mouths and this will happen again and again.

MR. ELIEFF: I object to you asking ....

15 THE CHAIRMAN: Mr. Elieff, I would just ask you to show some restraint here. I understand that you don't have counsel ....

MR. ELIEFF: So I have to show some objections, right? I got right to object.

20 THE CHAIRMAN: You can object on grounds, but you cannot answer the questions or prompt the witness.

MR. ELIEFF: Oh no, no.

THE CHAIRMAN: Or anything like that.

25 MR. ELIEFF: Oh no, no I just see where she asking my witness for the same question many times, over and over again.

30 THE CHAIRMAN: I want you to be very careful, Mr. Elieff. Ms. Sanson, I think we have the answer from the witness.

MS. SANSON: Q. Can you tell me what you do at the  
apartments?

A. Which apartments?

Q. 105 first, what do you do there?

A. Which apartment, 105, that is buildings.

Q. Yes. What do you do there as the owner or  
landlord with your husband, what things do you do?

A. What things? I go there I go open door to show  
to somebody and go around to see what to fix, my husband, or to  
clean, you know.

Q. Uhm hm, what do you clean?

A. What to clean?

Q. Do you clean there?

A. My son clean, you know my son is going one  
times or two times in a week to clean.

Q. Not you though?

A. No.

Q. If there is a problem in the building do  
people come to you with the problem?

A. Okay, people see me down there, I'm going  
around, most like that, you know.

Q. Uhm hm.

A. You know, maybe somebody tells me some problem,  
after that I tell to my husband, and he go to fix problem.

Q. Uhm hm.

5 A. Most peoplè maybe not tell me and I don't know  
if she gots problem or not problem. After that go to tell - I  
don't know who shè tell, you know.

Q. Uhm hm.

10 A. Tell Susan Eagle, you know and lots of people  
tell me they got problem and I tell to my husband and he go and  
fix.

Q. Uhm hm. Now we heard some evidence earlier  
about superintendents, the Sucur family.

A. Yes.

15 Q. Could you tell me how they were paid for their  
work?

A. I don't know, that's not my job. I don't  
know nothing, my husband how much pay them.

20 Q. Okay, okay. Whose job is it to get the clean-  
ing supplies for the apartment?

A. You ask me now that, I tell you, my son.

Q. Your son?

A. My son, yes. If I go there to pick up some....

25 MR. ELIEFF: She didn't understand the question.

She didn't understand the question.

30 THE CHAIRMAN: If Ms. Sanson wants to ask the ques-  
tion, she will ask it.

MS. SANSON: I have heard on a number of occasions  
comments when I'm asking questions. If there is someone back  
there who would like to say something, then perhaps they should  
5 speak to the Board about doing so, but if not I would ask that  
those comments cease.

THE CHAIRMAN: I think the point is well taken.  
When someone is giving evidence in a courtroom setting or in a  
10 tribunal, it is very - it disturbs the witness, it colours the  
evidence, so please try to refrain from making any sounds or  
comments when the question is asked.

MS. SANSON: Q. Mrs. Elieff, are you aware of  
15 what your legal obligations are as a landlord?

THE CHAIRMAN: Do you understand the question?  
Do you know what the law requires of you as a landlord? Do you  
understand?

A. Yes.

THE CHAIRMAN: Okay, do you know what the law  
20 says about the job of a landlord?

A. What is job, that is job of landlord, you know  
to fix some apartment before move in and cleaning, and that is  
25 law. And fix some problem, all the time my husband and son going  
cleaning and painting and fix some, you know, what's wrong and  
after that, move people in. Everything is okay. Unless some-  
thing break, you know, that is not my problem. After that, tell  
30 my husband to fix something, before move there, everything is fix,

everything is okay and people moving in.

MS. SANSON: Q. Are you aware that there are laws that tell you how many people can be living in an apartment?

5 A. I don't know how many people allowed to live in apartment.

Q. You don't? Okay. You also gave evidence that one of Chippheng's friends - she came to you and asked if one of her friends could live in number 17, is that right?

10 A. What is that?

Q. I understood that you said that after Chippheng moved into number 18, she came to you and asked you if one of her friends could live in 17?

15 A. She tell me before she moved in number 18, she said, "I got friends for my apartment, take it. I'm going 18, somebody come my place, 17". This time before, before she's moving, going 18, you know she find some friend go there, 17.

20 Q. Mrs. Elieff, Chippheng will say that that is not true.

A. Is is perfectly true. She's move there, you know, from there, that guy's come here. That I am hundred percent. You know, she just take carpet, everything and she come, you know, that guy, not too many stuff, only garbage bag and to an apartment, you know. That's the same day. She not liking, she come there, you know.

30 Q. Uhm hm.

A. Clean like that and she like the apartment.  
Okay, Elieff, living clean and she's moving - moving. I not  
tell to go in and clean, she's like it. Her friend move in.  
5 And no painting after her, you know. Before is painting. And  
after her, she's move 18, no painting in 17 for another guy.

Q. Uhm hm. After you are finished and the others  
are finished I am going to call Chippheng back to say that because  
10 this is the first time she has heard that and she says that is  
not true. Are you absolutely sure?

A. I am sure, absolute.

Q. Okay, can you tell me any reason why Chippheng  
15 would lie?

MR. ELIEFF: Objection, you don't have to ask this  
question.

A. I don't know.

THE CHAIRMAN: That is a fair question.

A. I don't know if she's liar. I am hundred per-  
20 cent, you know. I show apartment 17 and 18 to her.

MS. SANSON: I will just see if Chippheng has any  
further questions.

ZORANCO ELIEFF: Why don't you call apartment 17  
25 and ask her if Chippheng Hon ....

THE CHAIRMAN: Why don't you leave that question  
until after this witness is finished.

30 (DISCUSSION OFF THE RECORD)

MS. SANSON: We have no further questions at this time. Thank you.

THE CHAIRMAN: Zoranco, do you have a question?

5 ZORANCO ELIEFF: Yes I do. If Chipheng is telling the truth, I would advise you, if we can get an intercom set up here, to call apartment 17 - she still lives there - and ask her personally if Chipheng did tell her about apartment 17, and if she did, then we would know that she is lying.

10 THE CHAIRMAN: I take your point, and it is within the Board's ....

ZORANCO ELIEFF: It would give the Board a chance to talk to her and then ....

15 THE CHAIRMAN: It is within the Board's power to do that, but it is also within Mr. Elieff's power to call the resident of apartment 17 as a witness.

MR. ELIEFF: They are still there living.

20 THE CHAIRMAN: Well you can call them as your witness tomorrow.

MR. ELIEFF: I'll try.

25 ZORANCO ELIEFF: Yes but that's - you don't have a chance to speak to them. This way, if we can get her here and he can ask her personally before anybody else has a chance to talk to her. They're friends, they're going to lie.

30 THE CHAIRMAN: Okay, now let's go back to the questions. Mr. Elieff, you have now a chance to ask a question

in reply of the witness.

MR. ELIEFF: Yes.

5 RE-EXAMINATION BY MR. ELIEFF:

Q. So you said you did show her apartment?

A. Yes.

Q. And the apartment was in good shape?

10 A. Yes.

Q. And you were present you said when I confirmed with her to give her number 18 and I did not jerk around with her saying .... Did I say to her, "Good girl, bad girl", stuff like that?

15 A. No, no I don't think so.

Q. So that's what you're confirming that's not true?

20 A. No.

Q. And you are saying that she's been always one of the best tenants around being friendly with us?

A. All the time.

Q. You are saying she is?

25 A. Yes, still is, you know.

Q. And you believe that this is all true, then she would not go that way, is that what you believe? If this is true she won't be that friendly, is that what you believe?

30 (NO AUDIBLE ANSWER)

MR. ELIEFF: (Speaks in a language other than English)

THE CHAIRMAN: Wait, you can't ask a question in another language. The reporter can't ....

5 MR. ELIEFF: Okay, okay.

ZORANCO ELIEFF: (Speaks - not loud enough to be recorded and transcribed)

10 THE CHAIRMAN: Zoranco, I will take your question after your father is finished questioning, okay.

MR. ELIEFF: Q. You were asked the question by the counsel here, whether some time you have give Irina some shampoo to clean. Did you give her sometime shampoo and stuff like that before, sometimes? Did you do that?

15 A. Yes.

MR. ELIEFF: Okay, that's another thing to make sure. I don't know what else. She said it perfect. Thank you, Sultana, that's all. She said it decently, it was exactly and I am satisfied. Thank you.

20 THE CHAIRMAN: All right, Mrs. Elieff, thank you. You may step down.

THE CHAIRMAN: Zoranco, you had a question.

25 ZORANCO ELIEFF: Yes, I am saying, like Chippeng is denying that if their friends, she invited apartment 17 when she took apartment 18. She said that. All I am saying is that we should get a hold of this lady right now and ask her the same question. Because if you are going to leave this until tomorrow,

she is going to have a chance to talk it over with ....

5 THE CHAIRMAN: Zoranco, I am not dumb. I can take that into account. It is up to the Board to weigh the credibility of witnesses and I can take that into account.

ZORANCO ELIEFF: I understand but .... The weight will fall on our side once you talk to her.

10 THE CHAIRMAN: At the moment I am not prepared to make that telephone call and I don't believe it is necessary to make that telephone call. First of all, the telephone has to be set up in this room with a speaker phone and everybody interacting and it takes awhile. I am pretty sure we can't do it in four minutes.

15 MR. ELIEFF: One last thing.

THE CHAIRMAN: Do you have a comment to make?

MR. ELIEFF: A comment or ask you something I suppose.

20 THE CHAIRMAN: Sure.

MR. ELIEFF: If possible you to consider the idea for all of us to go and inspect the place to see what people are doing to my place? Two nights ago window been broken and damage and more damage.

25 THE CHAIRMAN: I appreciate that. I already made my decision on that. I felt it wasn't necessary. If there are problems afterwards, if there continue to be problems with the condition of the apartment, this issue will come back, and at that  
30 time, the apartment will be examined.

THE CHAIRMAN: Ms. Sanson, did you intend to call Ms. Hon back on the issue of credibility?

MS. SANSON: Yes, in reply.

THE CHAIRMAN: Okay and when did you want to do that?

MS. SANSON: After they are finished their case.

THE CHAIRMAN: Afterwards, okay. Well those are all the witnesses for today.

MR. ELIEFF: Yes.

MS. SANSON: Could we just - it looks like we are going to have to schedule more time. I think at some point there has to be closure on how many witnesses, who else is coming, is there anyone else? Each day the case is growing, and I think we have to have some ....

THE CHAIRMAN: I think that's a fair question. I look at the list I was given at the start of today's hearing and we really have three witnesses, three possible witnesses, other than Mr. Elieff for tomorrow: John Pike and ....

ZORANCO ELIEFF: And my sister wants ....

MR. ELIEFF: Katerina, she's short. She might take 15 minutes.

MS. SANSON: So John Pike, Linda Thomas.

THE CHAIRMAN: Keith Ackworth?

MR. ELIEFF: Keith Ackworth.

THE CHAIRMAN: Katerina and then Mr. Elieff.

MR. ELIEFF: Katerina and myself.

MR. ELIEFF: Probably one of those two won't come.  
Keith probably won't come.

THE CHAIRMAN: Keith may not come?

5 MR. ELIEFF: May not, but if he comes then I will ...  
and that's enough. Are you suggesting to see number 17? I'll  
talk to him, maybe he can write down on a piece of paper if  
that's possible, to confirm that he was suggested by Ms. Hon to  
10 take over number 17.

THE CHAIRMAN: You have to decide that, whether it  
is important enough an issue. Who else do you think may not come?

MR. ELIEFF: All of just - only Keith I am doubting.  
15 The rest will come for sure. Keith is question whether he will  
come or not.

THE CHAIRMAN: And how long do you think you will  
take with each of these witnesses?

MR. ELIEFF: If Keith and Linda comes they will be  
20 short.

THE CHAIRMAN: Those will be short, okay.

MR. ELIEFF: For sure they will be short.

THE CHAIRMAN: And John Pike?

25 MR. ELIEFF: Katrina will be short, and John Pike  
will be short; I consider them a lot shorter than any of those  
that I got.

THE CHAIRMAN: Now how long do you think you will  
30 take in giving your evidence?

MR. ELIEFF: And then I hope I will finish with the remaining of the time. It depends how long you want to work, what will be your working time.

5 THE CHAIRMAN: All right.

MR. ELIEFF: I hope I finish before your time. If you think you want to work until 5:00, if I am done earlier, I am done earlier. If I see I am not going to be done, then I'm going to hurry to be done. I don't feel I want to waste more time tomorrow.

10 THE CHAIRMAN: I want you to understand just one thing, the difference between the evidence that you will be giving and argument. Because you don't have counsel you will be doing both things, so when you give your evidence you will be stating facts and making observations, but not arguing the merits of the case.

15 MR. ELIEFF: No, I understand that.

20 THE CHAIRMAN: After you have given your evidence, Ms. Sanson may wish to call a witness in reply. Then after that is completed, then both sides will make their argument, and that may take quite awhile. I think that's why Ms. Sanson is raising the issue now.

25 MR. ELIEFF: So the only fair thing is then, if not done tomorrow we will be doing another day.

30 THE CHAIRMAN: Ms. Sanson was also expressing some concern that the list of witnesses not keep growing.

MR. ELIEFF: No, no I am not going to bring any more. That's all. Even if I hear more I won't call any more.

THE CHAIRMAN: So if I understand it, there will  
5 be four . . . . three, possibly four short witnesses?

MR. ELIEFF: Yes.

THE CHAIRMAN: Tomorrow.

MR. ELIEFF: I try to make them short, you know,  
10 by me asking the questions.

MS. SANSON: And that's the end of your case?  
That's it? Anyone else?

MR. ELIEFF: I am not planning to call more witnesses.  
15 I think I got enough witnesses.

THE CHAIRMAN: If that helpful?

MS. SANSON: Yes, that's very helpful. We also  
haven't dealt with the issue of the letter that my friend wanted  
20 to file.

MR. ELIEFF: Oh, you want to see the letter?

MS. SANSON: Yes.

THE CHAIRMAN: Yes, you were going to make copies.  
All right, let's go off the record.

25 (DISCUSSION OFF THE RECORD)

THE CHAIRMAN: Any other matters we need to deal  
with before we adjourn until tomorrow at 10:00 o'clock in City  
Hall? Okay.

30 MS. SANSON: Thank you.

MR. ELIEFF: I am only trying to gain last point to gain. You, sir, as chair or whatever, not to try to crucify me fast. Okay, they crucify Jesus in a hurry, He had no chance to defend himself.

THE CHAIRMAN: You will have a chance to make your argument, okay.

MR. ELIEFF: Okay, that's all.

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A D J O U R N E D

(5:00 p.m.)

THIS IS TO CERTIFY that the foregoing is a true and accurate transcription of the record made by sound recording apparatus to the best of my skill and ability.

*Linda M. Pilgrim*

Linda Pilgrim  
Court Reporter