

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;

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B E T W E E N :

CHIPPHENG HON

Complainant

10

- a n d -

ELIJAH ELIEFF

Respondent

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Hearing held at City Hall, Dufferin Ave.,
London, Ontario on Tuesday, December
29, 1992

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AJIT JOHN, ESQ. CHAIRMAN

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APPEARANCES:

Ms. G. R. Sanson	Counsel for the commission
Ms. Chippeng Hon	Appearing on her own behalf
Mr. Elijah Elieff	Appearing on his own behalf
Ms. Chanthy Long	Interpreter (Cambodian language)

30

BOARD OF INQUIRY

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

<u>WITNESSES</u>	<u>EXAM.</u> <u>in-Chief</u>	<u>CR.-</u> <u>Exam.</u>	<u>RE-</u> <u>Exam.</u>
ELIEFF, Katrina	5	12 (Sansons)	16
THOMAS, Linda	18	29 (Sansons)	
		38 (Hon)	
ACKWORTH, Keith	42	55 (Sansons)	
		70 (Hon)	41
PIPE, John	77	100 (Sansons)	114
ELIEFF, Elijah	120		

E X H I B I T S

<u>Exhibit Number</u>		<u>Put in on page</u>
Eight	Two coloured photographs	123
Nine	Pest control service agreement, dated November 1, 1984	186

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Upon commencing at 10:10 a.m.

THE CHAIRMAN: This is the continuation of a hearing; the style Chippeng Hon and Elijah Elieff. The last hearing date was December 28th.

We are at the point where Mr. Elieff is putting in his case. He intends to lead a number of witnesses today, and I understand they will be short.

MR. ELIEFF: I don't guarantee they will be short. I hope they will be short.

THE CHAIRMAN: Well we will take them one at a time.

MS. SANSON: The commission would like to deal with the letter of Mary Mowatt that Mr. Elieff seeks to have entered by way of evidence.

THE CHAIRMAN: Okay, I haven't seen this letter. Can you tell me something about it.

MS. SANSON: I would object to its introduction. Yesterday Mr. Elieff advised this Board that the reason that the letter ought to be entered in was because Mary Mowatt has a heart condition. There is no medical evidence that that is the case. The letter is inflammatory, it is full of hearsay and she starts off the letter by saying nothing to do with a medical condition, "I am writing this letter because I will be out of town. Also I don't want my name and misquotes in the newspaper". So there is nothing about her medical condition at all, and it is the

commission's submission that if this woman wishes to give evidence, she should make herself available to be properly cross-examined.

5 THE CHAIRMAN: I missed the connection between Mary Mowatt and the premises in question. Is she a tenant?

MS. SANSON: I understand her to be a tenant in
95.

THE CHAIRMAN: Currently a tenant there?

10 MS. SANSON: Yes.

THE CHAIRMAN: Mr. Elieff, what do you have to say about this?

MR. ELIEFF: This letter has to go as my exhibit.

15 THE CHAIRMAN: Is Ms. Mowatt currently a tenant in
95?

MR. ELIEFF: Yes. She just don't want to show up and be proclaimed through the town as she is saying here, and she's fed up of Susan Eagle especially. She doesn't want to see her face. That much she told me.

THE CHAIRMAN: Is she in town?

MR. ELIEFF: She said she is out of town for the holidays, Christmas and New Years, and this will go as exhibit.

25 If you, as the chairperson, tell me now whether you take it as exhibit or not, if you say to me you won't take it, I won't do nothing. I just go home. You do what you want.

THE CHAIRMAN: Does anyone have anything else to
30 say about this?

MS. SANSON: I also understand that Ms. Mowatt currently takes tai chi, so with respect to her heart condition I question the validity of that comment at all. And if this is a person who doesn't want and can't subject herself to cross-examination and is afraid she will be quoted in the newspaper, then I have real concerns about the value of this letter.

MR. ELIEFF: I don't have concern.

THE CHAIRMAN: I am going to reserve

MR. ELIEFF: That's for my benefit. If you don't want things that come for my benefit, only to your benefit, to hell with you. Okay.

THE CHAIRMAN: Mr. Elieff

MR. ELIEFF: I am mad to you and her and everybody else. Why you smiling?

THE CHAIRMAN: Mr. Elieff

MR. ELIEFF: ... You think is joke?

THE CHAIRMAN: Mr. Elieff ...

MS. SANSON: I am not used to people swearing at me, Mr. Elieff.

MR. ELIEFF: You are not going to scare me.

THE CHAIRMAN: Mr. Elieff.

MR. ELIEFF: Yes, sir.

THE CHAIRMAN: I can't have you erupting that way in this hearing. If you would like that introduced as an exhibit, you can make your submissions, but I do not want you to be criti-

cizing counsel on the other side or

MR. ELIEFF: For sure, I criticize here all these times and they want to crucify me, so I am not defending myself? I will.

THE CHAIRMAN: On the issue of the admissibility of that exhibit, I am going to reserve my decision. In the first break I will consider it, and come back.

MR. ELIEFF: Fair enough, let's go then. I don't want to waste my time, just what they have to say.

THE CHAIRMAN: Go ahead.

MR. ELIEFF: Katrina is my next witness and my other three witnesses have to leave.

THE CHAIRMAN: Okay, just before we begin with this witness, how many of the other witnesses are in the room?

MR. ELIEFF: All the four I give you, sir.

THE CHAIRMAN: All right, can I have the people who will be called as witnesses to please identify themselves?

LINDA THOMAS: (Identified)

KEITH ACKWORTH: (Identified)

JOHN PIKE: (Identified)

THE CHAIRMAN: Can I have you leave this hearing room right now and once you have given your evidence you may come in and sit in on this hearing. Until you have given your evidence I am going to have to ask you to sit outside. All right?

Zoranco, could you close the door please?

KATRINA ELIEFF: SWORN

EXAMINATION IN-CHIEF BY MR. ELIEFF:

5 Q. Katrina, you tried to help me in my despair when everyone was after me regarding repairs. What did you and your boyfriend at that time try to do for me?

A. Well, January, 1989 Greg - that's my boyfriend -
10 and I, we painted both stairwells and the three hallways in 95 Cheyenne and we spent a week doing it. We tried to make it really nice and we put two tone colours and it was a little bit discouraging when the next day - the first day we did a little bit of painting, the next day we came back and what we had started
15 was already scratched and damaged. It was scratched with whatever and peeled and that was a little bit discouraging. And we had put - I don't know what day this was, but one of the days we were painting the staircase, we put caution tape over the door-
20 ways asking people to please use the other stairwell while we are painting this because we are painting the stairs and the handrail, and of course the walls. And a few of the tenants ignored, or couldn't read or whatever, ignored our request and
25 would take the caution tape off and walk down the stairs we had just finished painting, which wasn't yet dry and a few of the tenants would touch the walls as they were walking down the hall-
ways, I don't know; to see if it was still wet, but you could
30 smell that it was wet paint and there was signs posted up that it

was wet. And, like I said it was really discouraging when children were still playing in the hallways while we were trying to paint and they were throwing orange peels on the carpet and generally being in our way. We had planned on painting 105 Cheyenne as well, but after a week of painting 95 Cheyenne we were just too discouraged and we thought, "No, we don't want to go through this again", so my brother ended up painting 105 later on, a few months later I think. I have personally done a lot of - not a lot - on several occasions I have done cleaning, and I have vacuumed the hallways, mopped the stairs and my boyfriend has done a lot of repairs for my father. He's a tradesperson and he's good at working with his hands. He's done repairs to the stairs with the welding machine and he's done

THE CHAIRMAN: Perhaps you could ...

A. That's third person, that's not me, right?

THE CHAIRMAN: I would prefer if just

A. Okay.

THE CHAIRMAN: Tell the Board about what you have seen and what you have observed.

A. Okay because I've been with him when he does this. I've gone and I've seen him, but anyway As far as helping my dad in other ways, of course I have worked for him while he has gone and worked at the submarine shop until I got pregnant and that was 1990. November I quit working there, but other than that I was working full-time more or less so my dad

can have the time to go to the apartments and do what he has to do there. That's all I can think of right now.

5 MR. ELIEFF: Q. Tell us some more what the children been doing besides throwing garbage? Have they make any noises, stuff like that?

A. Yes, like I said we could hear them. If we were on the first floor and they were upstairs on the second
10 floor, we could hear them running up and down the halls and then when we would go up there later on, they would go up to the third floor or they would remain on this floor and we would tell them, "Please, go outside and play or go in your apartments and play".
15 It was January, and you know, if it was too cold, we asked them if they could please, just you know, keep away from these hallways while they were wet. We don't want what we are trying hard to do to be damaged. Oh, and I have seen them on numerous occasions
20 outside littering the property.

20 THE CHAIRMAN: Did the children speak English?

A. Some of the older ones did and they would tell
their younger siblings in their native language probably to
translate what I said. I don't know, but I hope they did. Some
25 of them you know, would leave. They would go but they would come back and they would be upstairs and we could hear them, so I don't know how effective that was.

MR. ELIEFF: Q. And you recall these scratches on
30 the same stairs as I was trying to point out to the Free Press?

A. Yes.

Q. Even you can see here from the - that is torn and scratched. That's what I was pointing out to the Free Press which perverted my stories, every word of it. Next, Katrina, in your opinion do you think Susan Eagle is right organizing these Cambodian tenants to come in downtown shop of ours to demonstrate concerning the problems down there?

A. Of course I don't think that's right at all. We've had - I've worked there like I said, and I've had calls coming in and telling me to tell my father to watch his back and to be careful when he collects rent. And on different occasions when my father was there working with me, especially during the lunch, we used to have a rush hour.... anyway people would call, or maybe it was the same person, I don't know, would call up and ask to speak to my father and I guess he would utter death threats to him, and I don't know - this was after this occasion so I think the publicity was very negative towards that business and really hurt it.

MS. SANSON: This is the second time I have heard evidence about the financial viability of the submarine shop being effected by what we allege to be discrimination. If my friend is going to put this in issue I am going to put you on notice right now that I am going to be asking to examine the financial records and statements of the submarine shop throughout the years, so please bring them with you.

NO MENTION OF FINANCIAL ANYTHING

SANSON HAS CREATED AN ISSUE THAT DID NOT EXIST TO DEFLECT ATTENTION FROM EVIDENCE

MR. ELIEFF: That's not the point.

THE CHAIRMAN: Mr. Elieff, do you understand the point? The point is if you through any of your witnesses raise the issue of damage to your business ...

MR. ELIEFF: Not just damage, discrimination. Got no right to do it.

THE CHAIRMAN: Well discrimination that has a financial impact on your business. If you are going to

MR. ELIEFF: That's not the key point.

THE CHAIRMAN: Let me just finish. If you are going to raise that, then in all fairness, counsel for the commission has the right to bring that into issue, which means that all your financial records are going to be examined and so on. So the best way to resolve it is to avoid those questions and just deal with the issue of the tenants and the apartments and the impact on the apartments.

MR. ELIEFF: And don't do too much about Susan Eagle's organization unfairly?

THE CHAIRMAN: Well I don't have too much problem with your mentioning the work of Susan Eagle, you know, with the tenants. That's a fair question, but

MR. ELIEFF: Right, it is her.

THE CHAIRMAN: But the financial impact on your business isn't something that the Board is that concerned with under the Human Rights Code.

↳ SO WHY
BRING IT UP?

MR. ELIEFF: About these, we will sue them all later on for finances.

THE CHAIRMAN: That's right, you have other courses
5 of action.

MR. ELIEFF: Q. Now as you are aware, Katrina, I
been accused of being prejudiced person, discriminating person;
what would your comments be on that?

10 A. Well I hope I know my father by now, and I
would have to say he is not discriminating against any race,
religion or anything. I don't believe that at all. It totally
surprised me.

15 Q. Can you tell us how I was encouraging my son
to associate with Vietnamese people and all?

20 A. Oh yah. Well whatever, but one of my brother's
closest friends in school was Vietnamese. My dad didn't have any
problems and he liked the boy and we had him over at our house
and they went fishing and everything was fine.

THE CHAIRMAN: Do you know this person?

25 A. Yeah, I know him briefly. Like I didn't hang
out at home that much so I didn't really get to talk to him. He
wasn't very fluent in English I don't think, but my brother was
good friends with him and I did know his name.

THE CHAIRMAN: Is he a tenant in the apartments?

A. No.

30 THE CHAIRMAN: Go ahead, Mr. Elieff.

MR. ELIEFF: Thank you, that's all I have to ask my daughter.

THE CHAIRMAN: Okay, just before counsel or Ms. Hon asks you further questions, you mentioned that you and your boyfriend painted the hallways in 95 Cheyenne.

A. Yup.

THE CHAIRMAN: That was in January, '89?

A. Yes it was.

THE CHAIRMAN: Okay, do you still go to the apartment to help out?

A. No, I'm in school full-time now and I have a two year old son that I look after and I haven't been at the submarine shop either since I haven't done any work really.

THE CHAIRMAN: It's really the work that you've done in either 95 or 105 that I'm interested in, but since that date, since 1990 have you been at the apartments? Have you assisted your father in anyway?

A. Yes, from the painting? From that day that I ...?

THE CHAIRMAN: Yes.

A. Yeah on several occasions I have done a lot of cleaning and like I said, I've mopped, I've washed the walls and the hallways and vacuumed.

THE CHAIRMAN: How often would you go?

A. Oh I don't know, once every other month.

THE CHAIRMAN: Once every two months?

A. Probably if I had to give it a time.

5 THE CHAIRMAN: Okay, those are all the questions I
have. Ms. Sanson, and Ms. Hon, do you have any questions?

CROSS-EXAMINATION BY MS. SANSON:

10 Q. It was just the hallways and stairwells that you
painted?

A. Yes.

Q. Do you live at home with your parents?

A. No I don't.

15 Q. When you went in to paint did you give any
notice to the tenants?

A. We told people that we saw.

Q. In English?

20 A. Yes, I don't speak any other language really.

Q. I would submit you could have provided them
written notice in Cambodian and Vietnamese that you were coming in
to paint and that would have avoided the problem if people knew
that you were coming in, would you agree?

25 A. Probably, but I don't know any translators or
anybody who could have helped me so we basically just went in and
we told people. We spent most of the part of the first day taping
because we did the two tone and it took awhile because we measured
30 three feet up or whatever and put tape all over the walls and put

5 signs up, "Wet Paint", and told people that we did see who
appeared to understand English that, you know, "We're going
to be painting these halls and you know, when we do, please
don't touch the walls", and while we were painting the one
stairwell before we go to the next, we would, like I said,
we put the caution tape up and the smell of the paint, the
10 tape and us being in the stairwell would be enough I think
to tell anybody that this stairwell is being used and you
know, there are two stairwells and they are not that far
from each other. You know, it is not that they were going
way out of their way, you know, and like I said, the stairs
15 were being painted, the metal strip, so it is not like,
you know, they can't even use the stairs without touching
the walls because they would probably step on the paint
because it is on the steps. So we preferred not to have
20 anyone at all and it was quick-drying paint, like it
wasn't wet forever so you know, probably if they were out of
the area for six hours after we finished, it would have
been sufficient enough to be dry enough.

25 Q. You mentioned that the paint was peeled
the next day. Do you know what causes paint to peel?

A. It was scratched. That was evident to me.

Q. So it wasn't peeled then?

5 A. It was scratched with, I don't know, like something that was sharp because you could see the lines, it was jagged and then it was, you know, tried to be a - I don't know if it was the very next day that it was peeled, as you can see in the picture there that my father just provided.

10 Q. Do you know what causes peeling, paint to peel?

15 A. Well we did sand the walls so I think we prepared the walls good. Maybe we didn't, but I think we did. Maybe it was the paint, maybe it was - I don't know what kind of paint it was, but it shouldn't have happened anyway. If no one had scratched it it wouldn't have peeled, but I'm not a paint expert so I can't really be too sure on that.

20 Q. Do you like cockroaches?

A. No they're not my favourite.

25 Q. Do you think your father would make you live in a house with cockroaches?

A. No.

MS. SANSON; Thank you, those are my questions.

30 THE CHAIRMAN; I have just one other question about the scratching. Was the - at what level on the wall were the scratches? Was it at arm level or

A. Oh, it was probably about like three feet. I think it was around the area where we put the two different

5 colours, so that was about three feet or so off the ground. I don't know, maybe they were trying to get - I don't know why they were doing it, but it wasn't eye level.

MS. SANSON: Q. Did you see anyone do it?

A. No.

10 THE CHAIRMAN: Do you know what might have caused it? Do you think it was deliberate scratching?

A. Oh it was, I'm pretty sure it was deliberate scratching, if you had seen it it was deliberate, because it wasn't right - it was like the next day when the first scratch appeared, it was right where the mailboxes were, on the other side of it and there is plenty of room if anyone was moving anything. I don't see any need to bump up against the wall to scratch it. Besides it was still taped. We finished the one stairwell and it was like midnight by the time we got home and it was the next morning around 9:00 o'clock that we returned and it was already scratched. I don't know who would be moving in the middle of the night, so I don't think so, but I wasn't there, I didn't see.

25 THE CHAIRMAN: Ms. Hon, do you have any questions?

MS. HON: No.

THE CHAIRMAN: Thank you very much.

30 MR. ELIEFF: I got some, you know, I got right to ask them.

THE CHAIRMAN: You've got a question in reply?

MR. ELIEFF: Yes.

THE CHAIRMAN: Is it about anything that has
come up in cross-examination?

MR. ELIEFF: Yes.

RE-EXAMINATION BY MR. ELIEFF:

Q. As you did the job, Katrina, you used the
same company tape provided, bright yellow that says, "Caution,
Caution, Caution" in English?

A. Yes.

Q. Did you put up those around?

A. Yes.

Q. And was that broken?

A. Yes.

Q. They were ignoring. Then, is the legal
language in Ontario, Cambodian?

A. No it's not.

Q. What is the legal language in Ontario?

A. I guess English and French.

Q. And the tape is written in English, in the
legal Ontario language. Thank you, Katrina.

MR. ELIEFF: That's all I have to say.

ZORANCO ELIEFF: I lost four years of school.

5 THE CHAIRMAN: Zoranco, you had your chance
yesterday. Your father could have asked you questions

MR. ELIEFF: Those evidence are coming to me.

ZORANCO ELIEFF: I lost four years of school
because of this whole situation.

MS. SANSON: I'm going to object.

10 ZORANCO ELIEFF: Objection.

MR. ELIEFF: Zoranco, sit down.

MS. SANSON: I'm not going to spend the day
15 listening to Zoranco's objections and submissions. He has been
on the stand twice now.

MR. ELIEFF: That is a Vietnamese friend. Give
me the rest of the pictures.

THE CHAIRMAN: If your father wants to use ...

20 MR. ELIEFF: Give me everything that you've
got. Where is the rest of the pieces that I asked him to make?

THE CHAIRMAN: Let me interrupt here, Mr.
Elieff.

25 MR. ELIEFF: Yes.

THE CHAIRMAN: Do you want to introduce that
evidence?

MR. ELIEFF: Yes I do

30 THE CHAIRMAN: When you are giving your
evidence in response

5 MR. ELIEFF: Can I call next witness? I don't want to waste time, sir, because I don't want to go two more days.

THE CHAIRMAN: You may.

MR. ELIEFF: Call Linda.

10 LINDA THOMAS: SWORN:

EXAMINATION IN-CHIEF BY MR. ELIEFF:

Q. Can you tell us, Linda, my behaviour as a landlord at the time when you asked me for an apartment?

15 A. The first time I came to see you was about three years ago and you were nice enough to get me an apartment. I had a one bedroom in 105, apartment 3. I then had my son and daughter move in and I asked for a two bedroom and he switched me to 95, apartment 28 where we were
20 superintendents for awhile and then

THE CHAIRMAN: When was that, when did you move to 95?

25 A. About three years ago. Then we moved out and moved away from the area.

THE CHAIRMAN: And when did you move out?

A. I moved out, oh roughly around '91.

THE CHAIRMAN: Go ahead, Mr. Elieff.

30 MR. ELIEFF: Q. Did you ask me if I have some job for you, Linda?

5 A. Yes, we asked if there was the superintendent job available or could we clean the buildings, and you said, "Yes", as soon as the other superintendents moved out we could move in to 28 and take over.

Q. Did that happen?

10 A. Yes it happened. They took their own time about moving out but we finally got in there.

Q. Did you start doing cleaning job around?

15 A. Yes we did, we started to clean the buildings, I vacuumed and my boyfriend, Keith, he swept the stairwells and tried to keep the yard cleaned up and the grass cut.

Q. Tell us what those tenants of mine and their children been doing to make your life miserable?

20 A. Well we moved back in, before then they were throwing garbage on the stairwells, on the rugs. There was human urine and number two on the stairwells. They throw candy and ice cream down the stairs. There was garbage bags on the balconies. Sometimes they just throw it over the balcony and don't bother picking it up.

25 Q. What else the kids been doing around to make your job miserable?

30 MS. SANSON: Objection. I hope I don't have to do it, but at the end of the day I am going to be arguing that the weight of all of the evidence that is being led by Mr.

5 Elieff has no weight and that is because Mr. Elieff is putting
the evidence in the mouths of the witnesses, and has continued
on and on and you know, I can understand that the Board wants
to give a great deal of leeway, but at the end of the day when
the commission makes its submissions as to the weight and value
of this evidence

10 THE CHAIRMAN: I hear what you're saying, Ms.
Sanson. Mr. Elieff, we have spoken about this ...

MR. ELIEFF: It is my way of asking a question.

15 THE CHAIRMAN: ... many times. I appreciate
the fact that you are not a trained lawyer, but I would ask you
to please try and bear that in mind when you ask the questions.
Ask the questions without giving the witness the conclusion you
want the witness to repeat. So try to just ask the question
and let the witness answer.

20 MR. ELIEFF: Okay.

MR. ELIEFF: Q. Keep going, telling us some
more what the kids been doing around?

25 A. Well we have seen evidence of broken
windows, damaged apartments. We've moved back, just before
Christmas, my boyfriend and I, and since then our life hasn't
been worth two hoots.

30 THE CHAIRMAN: You've moved back to ...

A. To 95, to apartment 29.

THE CHAIRMAN: When did you move back?

A. Just before Christmas, two weeks before
Christmas.

5 THE CHAIRMAN: Okay.

A. You can't sleep at night because the kids
are roaming the halls, they're banging on the floors, they're
throwing stuff over balconies.

10 MR. ELIEFF: Q. Why did you give up the job
the first time you were there?

A. I don't really know, I think just

Q. Why you quit working for me cleaning?

15 THE CHAIRMAN: Please let the witness answer.

A. Because you couldn't keep up.

THE CHAIRMAN: Go ahead.

A. You couldn't keep it up. There's no way.
You no sooner clean the floors up and there's more garbage than
20 what you had before and it is the same thing now. You go up
there to the second floor where I went yesterday afternoon.
There's boxes of garbage laying around and they don't want to
clean it up and the kids throw garbage bags down the stairwell
25 and that's where it stays.

Q. How appreciative are you toward me as
letting you come back again?

A. Well I appreciate you letting me move in.
30 I was living in a house and I couldn't keep it up. I broke my
arm and there was no way I could get an apartment with the

landlord I was living with and I went to see Elijah and he had a two bedroom left and so we went and got that.

5 Q. Before you moved in that apartment there was Cambodian family in there, Linda. Can you tell us what you see they been doing in that apartment?

10 A. Yes I have murals of Cambodians all over my walls. My doors are pictures of a boy named Puc on his shirt. My bedroom walls are covered with pictures of women.

THE CHAIRMAN: This is your present apartment?

A. My present apartment.

15 THE CHAIRMAN: The one you moved into two weeks before Christmas and that's in building 95?

A. Yes, apartment 29.

THE CHAIRMAN: Apartment 29, okay.

20 A. I have a set of eyes starring at me day in and day out, which my husband has covered up the best he could. Excuse me, my boyfriend, pardon me. And there's a lot of work to be done but if you do it yourself it's a lot easier than getting Elieff to do it because he's busy with the sub shop and he's got other apartments to do. Usually my boyfriend is not
25 doing much so he doesn't mind fixing up.

30 MR. ELIEFF: Q. So you are trying to tell us, Linda, that we are in harmony and agreement that I will come back and fix whatever needs to be fixed but you just told us that the dissertation the Cambodian family left in that

apartment?

A. Yes.

5 Q. In the apartment up you is another
Cambodian family. What are they doing for you?

A. They are not doing anything for me.
They're making it - I've been sick with the flu and they won't
10 stop pounding on the floors. There has got to be at least two
families living in there. He said he's got a six month old
baby but there has got to be more than that. They pound on the
floor, they throw garbage over the balconies. There has been
15 shoes, phone books, we've picked it up and there's still stuff.
Also they don't stay in their own apartment, they go from this
apartment to that apartment, from that apartment - they go
kitty-corner from each other's apartment and they eat on the
20 floor, they eat in the hail.

THE CHAIRMAN: Have you seen them?

A. Yes I have.

MR. ELIEFF: Q. Have you asked them or their
25 parents, "Why are you doing this? Stop doing it"?.?

A. They say they don't speak English but we
have seen them and heard them talk English before. I don't
know if it is the same family that lived there before or not.

Q. When you were trying to clean our outside
30 property around what you used to find on the ground?

A. Garbage bags, potato chip bags, candy

5
wrappers, gum wrappers, just garbage. Sometimes they throw
garbage bags full of garbage down. They wouldn't bother
cleaning it up. Now one morning we got up to clean 105 and
there was a whole bag of garbage sitting in the hall in between
the mail box and the hall doorway. And it was just crawling
with maggots and this was the summertime.

10
MR. ELIEFF: I appreciate you take the notes,
sir, what my witness is saying.

THE CHAIRMAN: It is all being taken by the
reporter.

15
MR. ELIEFF: Q. After you pick everything
nicely from my outside property how long it would take to see
the same situation, Linda?

20
A. Maybe an hour, an hour and a half, two
hours, not very long. I'm not saying it is only the Cambodians
doing it. It could be the Canadians too because in one of the
apartments upstairs they totally destroyed it and it is not
just the Cambodians doing it. We're guilty just as much as
anybody else is.

25
Q. What have you been seeing and still see,
Linda, in my tenants' balconies?

A. Garbage.

Q. Garbage?

30
A. Garbage bags, dirty bags of clothes, just
stuff they don't want. Now we've got three tenants on the main

5 floor, they don't like to clean their garbage up, they like to leave it and as soon as you come in out of the driveway you see it. And it's just full of garbage, and they're Canadians.

THE CHAIRMAN: Is there tenant storage in the basement?

10 A. In our building there is storage, they're all locked. Everybody has got their own private lock.

MR. ELIEFF: Q. Is the storage supposed to be for garbage collection, Linda, or other thing?

15 A. The tenants can take their own garbage out to the bin.

Q. How many times you see those storages being broken, Linda?

A. Maybe three or four times, maybe more.

20 Q. How many times washing machines been broken, Linda?

A. That's a never battle because you can't keep up with them being broke. Right now there's no washing machines, no dryers.

25 THE CHAIRMAN: When you say broken, what do you mean?

30 A. They've been broke into, they've been vandalized, they've smashed them. I don't know how they've gotten a hold of the coin box, but they've ripped them off.

MR. ELIEFF: Q. How many times fire

extinguisher boxes have been broken and the fire extinguisher been stolen, Linda?

5 A. I couldn't tell you, too many times to tell.

Q. Too many? How many times the doors in the hall have been forced back?

10 A. I don't know. I know when we were there the first time you had just finished painting the doors and the walls and they had been written on as soon as he finished painting them.

15 Q. Do we have city provided big garbage can on our parking lot, Linda?

A. Yes.

Q. What is that for?.

A. People to throw their garbage bags in.

20 Q. What have you seen outside around the big pail?

A. As of this morning I found five bags of garbage which I put in the

25 Q. What kind of bags, big, small?

A. Large garbage bags.

Q. Not small bags?

30 A. No, just the big ones. They're too lazy to put them in.

Q. Can you tell me if Cambodian and Vietnamese

5 tenant behaviour as they cook the smell that the rest of us don't really appreciate, are they opening their doors to release it outside in the hall?

A. Yes they are, you can walk in

Q. So you think it joke?

10 A. It is enough to make you sick. They cook with a lot of curry and spice.

Q. If they are considering you, the rest of us who don't really like it, would they leave the doors open so it can come in the halls?

15 A. Yes. They don't care, they cook with their doors open all the time.

20 Q. In your opinion, Linda, me as a landlord of these two buildings, was it possible for me to keep up with all the orders that I been getting sent by Eagle and her organization and City Hall and Health Departments? Do you think I could have or would have been able to keep up with that?

25 A. I don't think anybody can keep up with the repairs that is going on. You no sooner fix something than something else gets broke.

Q. Am I bad person, a person who can talk sense, talks to my tenants or call names, stuff like that?

30 THE CHAIRMAN: Mr. Elieff, let me assist in this question. Perhaps you could ask something like this ...

MR. ELIEFF: That's my last thing.

THE CHAIRMAN: What is your opinion of Mr.

5 Elieff ...

MR. ELIEFF: Yeah, okay. You ask her that.

A. I say he's fair. He tries to give a person
a break. If you can't afford the rent, all of it, you can give
10 him part of it, and then make up the next month's rent. But
these people that aren't paying him, there is no need for it.
They're on welfare. They get their cheque, they blow it on
bingo. It's not fair. If somebody else wants an apartment,
15 they can't get one because they're sitting there hogging it.

MR. ELIEFF: Q. You are aware, Linda, that I
gave three apartments to a group of family, apartment 26, 28
and 30, and they haven't paid my rent for the last three
20 months, Linda? What is their behaviour at this time, those
three tenants on your floor?

A. They all got their welfare cheques the same
day before Christmas. They all blew it on bingo and whatever,
stereos, you name it. They didn't pay their rent. They're
25 bragging about it. They don't have to pay out - they've got
until the spring to get out.

Q. Are they buying something with the rent
that is supposed to be rent money?

A. Yeah.

Q. What are they buying?

5 A. They're buying brand new stereos,
furniture.

THE CHAIRMAN: Mr. Elieff, I must ask you, try
and make the questions relevant to the issue here. This is not
a rent review hearing.

10 MR. ELIEFF: So for me, it's over.

THE CHAIRMAN: Are there other questions you
might ask the witness?

15 MR. ELIEFF: I think she said a lot, Mr.
Commission. Thank you very much, Linda

THE CHAIRMAN: Are there other questions from
Ms. Sanson and Ms. Hon?

CROSS-EXAMINATION BY MS. SANSON:

20 Q. Ms. Thomas, when did you move into the
Cheyenne apartments, what year was it?

A. About '91.

25 Q. 1991?

A. That's the first time.

Q. And when did you move out?

A. The year of '91.

30 Q. In '91 as well. And why did you move out?

A. Was looking for a bigger place.

..... Thomas - cr-ex.

Q. You were looking for a bigger place?

A. Yeah, I had

Q. Were you having problems with Mr. Elieff?

A. No I didn't.

Q. He didn't fire you?

A. No. We quit on our own.

Q. You quit on your own, because you were .
looking for a bigger place?

A. Because I had my daughter, my son, my
daughter-in-law and a new baby on the way so there wasn't
enough room for everybody.

Q. How many people do you have now?

A. Just three of us.

Q. Just three of you. Are you the
superintendent now?

A. No.

Q. And when did you move back in?

A. This December.

Q. Are you paying rent there?

A. Yes.

Q. How much a month are you paying?

A. 460.

Q. Let me ask you about these people and their
welfare cheques. Did you see somebody buy a stereo?

A. Yes I did.

Q. You saw the receipt?

A. I didn't see the receipt, but I knew where he got it from, Rent-To-Own.

Q. Pardon me?

A. He got it from Rent-To-Own.

Q. Who was that?

A. Andrew Snitjes, the superintendent.

Q. So he's the superintendent?

MR. ELIEFF: No he's not.

A. Or supposed to be.

MR. ELIEFF: He's never been.

MS. SANSON: Q. Who is the superintendent?

A. We don't have one now. He just lives in that apartment.

Q. And who else bought a stereo?

A. Wanda Thwaites.

Q. And how do you know that?

A. I seen the stereo being delivered to her apartment.

Q. When?

A. The 26th, just before Christmas.

Q. And you saw her buy it?

A. Yes.

Q. You saw her buy it?

A. We didn't see her buy it, we seen it being

..... Thomas - cr-ex.

delivered.

Q. Uh huh?

A. And they were bragging about it and she just had a new baby in December, well two weeks ago this Friday.

Q. Do you collect the rent?

A. Pardon?

Q. Do you collect the rent?

A. No.

Q. Not your job so you don't know whether

A. They're going around telling everybody.

Q. Do you know if the rent is paid? Are you the superintendent?

A. No.

Q. How long were you the superintendent?

A. About five months.

Q. Five months? What did you do during the five months there?

A. Just cleaned the apartments.

Q. What did you do?

A. Pardon?

Q. What did you do? Tell me what you did?

A. We vacuumed rugs, swept the

Q. Where did you do that? 95?

A. 95 and 105.

Q. Vacuumed rugs?

A. Swept the stairwells.

Q. Did you shampoo the rugs?

A. Pardon?

Q. Shampoo them?

A. No, we just vacuumed them.

Q. You vacuumed them, all right what else did

you do?

A. Swept the stairwells and washed

Q. Did you mop the stairwells?

A. Yes.

THE CHAIRMAN: How often did you do that?

A. Once a week.

MS. SANSON: Q. What else did you do?

A. We took care of the lawn maintenance.

Q. What did you do?

A. Cut lawns.

Q. Did you cut lawns?

A. I didn't, Keith did and picked up

newspapers and the odd garbage, that sort of thing, you know.

Q. Picked up the garbage bags?

A. Garbage bags, empty garbage bags, Free

Press papers laying around.

Q. Did you do anything else?

A. Pardon?

5

10

15

20

25

30

Q. Did you do anything else?

A. No.

Q. Isn't it true that the main floor in 105 right now has been condemned by the Health Department?

A. As far as I know it is. There is no one living there.

Q. Because of the sewage back-up?

A. I couldn't tell you.

Q. You don't know that? You just know that somebody has got garbage there?

A. Yeah.

Q. You don't know why it is there? When you moved out in '91 were the washer and dryer working?

A. Yes they were.

Q. They were working then? Were you using them?

A. Yes.

Q. They were working the whole time you were there?

A. Yes they were. Whenever they broke down we just called the landlord and he fixed them.

Q. Right away?

A. Well maybe not right away but the next day or so.

Q. The next day or so? How long have you been

..... Thomas - cr-ex.

back in the apartment?

A. Since December.

Q. And the machines haven't been working since then?

A. No.

Q. So I guess it's been more than a couple of days, eh?

A. I don't know. I just thought they were shut off because of the sewage back-up what was going on.

Q. And nothing has been done?

A. I haven't asked for anything to be done.

Q. So you are happy to have no laundry?

A. Pardon?

Q. You are happy to have no laundry?

A. My laundry goes out. I take it to the laundrymat, no matter if I've got machines or not. When you have only three wash machines and three dryers it is not a lot.

Q. Not enough washers and dryers for that building?

A. No, not when you've got three floors and people want to wash and dry at the same time.

MS. SANSON: This is something you have probably seen before. I am just going to show it to you before the witness. It is a notice of seizure of her rent when you didn't pay your \$6,000 fine.

..... Thomas - cr-ex.

5 MR. ELIEFF: That's okay. This is for my benefit, that I am a good landlord. Even though I am a good landlord, I give second chances. Don't worry about that. She said I give second chance.

MS. SANSON: Q. Do you recognize this?

A. Yes I do.

10 Q. Was this something that you received while you were a tenant?

A. I never received one.

Q. You never saw this?

15 A. I never seen it, not this one. I go under Thomas, not Ackworth.

Q. Right, is that where you were living, 105 Cheyenne?

A. Yes.

20 Q. You have never seen this before?

A. No, Ma'am.

Q. Are you absolutely sure about that?

A. Yup.

25 Q. You have seen one like it?

A. I have seen them before.

THE CHAIRMAN: Could you please speak up. The reporter can't hear. Could you ask the question again?

30 MS. SANSON: Okay. I am asking the witness to identify a document. It is a document that is addressed to her

..... Thomas - cr-ex.

and Keith Ackworth, but it is Linda's first name, it doesn't have her last name, at apartment 3, 105 Cheyenne. The document reads, "Notice of Seizure of Rent" and it is between the Queen, as represented by the City of London, and Elieff Investments, and it's dated January 26th, 1990. The witness has just said that she doesn't recall seeing this document. What the witness has indicated is that she has seen a document similar to this.

THE CHAIRMAN: What's the date on that?

MS. SANSON: January 26th, 1990.

THE CHAIRMAN: 1990? I understand she moved in for the first time in 1991.

MS. SANSON: That was my understanding.

A. I may have had my dates ...

MR. ELIEFF: They took that money in seizure of rents because I was owing the charges, that's what it is.

MS. SANSON: Q. Do you recall that? Do you recall your rent, having to pay your rent to the City?

MR. ELIEFF: I was

A. I never paid the City any of my rent.

MR. ELIEFF: That's what it is.

MS. SANSON: I would like to file this as an exhibit. I don't have copies.

THE CHAIRMAN: Okay, this is exhibit seven.

EXHIBIT NUMBER SEVEN: Notice of Seizure of Rent dated January 26, 1990.

..... Thomas - cr-ex.

THE CHAIRMAN: Do you have further questions, Ms. Sanson?

MS. SANSON: I believe that's all the questions I have. I will see if Chippheng has any.

THE CHAIRMAN: Sure.

CROSS-EXAMINATION BY MS. HON:

Q. I would like to know how come you know about the people that are on welfare use their money to buy a stereo, etc., but you don't know about the sewage on the main floor? It was in the newspaper and everything?

A. We know about people on welfare because we were on it and most of the time you know when they get their cheques because they've all gone grocery shopping or gone out to bingo. They're never home and their kids are always left with a babysitter.

THE CHAIRMAN: Any further questions?

MS. HON: No.

MS. SANSON: I have a further question if the Board would permit.

THE CHAIRMAN: All right.

MS. HON: This is not a question, it is a statement. What she is saying now, people that live on welfare use their money to buy things and that's their business, and

..... Thomas - cr-ex.

she should have no business going around talking about it. It is not her life to say what people are doing.

5 THE CHAIRMAN: Ms. Sanson, you have a couple more questions.

MS. SANSON: Q. We heard in your evidence that while you gave a great number of general observations about garbage and children running in the halls, is it your evidence that you saw Chippheng Hon throwing garbage?

A. Pardon?

Q. Is it your evidence that you have seen Chippheng Hon throwing garbage?

A. Yes.

Q. You have seen

A. I am not saying that she's done anything.

15 Q. You've seen it? Have you seen Chippheng Hon throwing garbage?

A. Who?

MR. ELIEFF: Who is Chippheng? She doesn't know.

25 MS. SANSON: Q. Do you know who Chippheng Hon is?

A. No.

Q. No? And you were the superintendent

30 A. I have known this lady, I have seen her around but I don't know who she is. I just know that she lives

..... Thomas - cr-ex.

in one of the buildings, in 105.

THE CHAIRMAN: Have you ever been into her apartment?

A. No I haven't. I won't say who is throwing garbage around, I don't know who is doing it.

MS. SANSON: Q. You don't know?

A. But there is evidence of kids running in the hail and

Q. Her kids?

A. Pardon?

Q. Her kids?

A. I don't know about her kids, like I live in 95. I just hear the kids on the second floor and the ones on the main floor, there's five of them and they run from 9:00 o'clock in the morning until 3:00 o'clock at night, in the morning I should say, and there is no way you're going to get any rest. And the ones upstairs, they bang, they drop stuff on the floor - well that's only natural, but it sounds like somebody is falling out of bed half the time and you don't get any sleep.

Q. Perhaps there should be better insulation in the building. Do you agree with me?

A. Yeah, maybe.

MS. SANSON: Those are my questions.

THE CHAIRMAN: I have one other question for

.....
you, Ms. Thomas. I'm wondering if you could help me out of
this confusion. You indicated in your evidence upon cross-
examination that you moved in for the first time in 1991. Is
that true

A. It is either '90 or '91, I'm not sure of my
dates.

THE CHAIRMAN: You're not sure.

A. I just know I lived in Dorvan in '92 and on
Dundas Street in '92.

THE CHAIRMAN: And before that you can't
remember?

A. No.

THE CHAIRMAN: All right. Do you have any
questions for the witness in reply?

MR. ELIEFF: Yes.

RE-EXAMINATION BY MR. ELIEFF:

Q. What you been telling us was just trying to
tell us one tenant or one family or are you trying to tell us
what general all of the tenants and their children are doing?

A. It is not just one family that is throwing
stuff around. It is not just one family making all the noise.
I don't know exactly who is doing it or why they do it, but I

..... Thomas - cr-ex.
Ackworth - in-ch.

5 know they are throwing - this morning we cleaned up garbage. I went out to take my own garbage out and I cleaned up five bags of garbage that was laying beside the garbage bin, and if they can't throw it in the bin

Q. And that happened this morning?

A. Yes.

Q. What happened yesterday?

A. Keith was out there cleaning up our yard and we had to clean up shoes that were thrown down and a bag of clothes that was thrown down.

Q. What happened day before?

A. We weren't home.

Q. This is continuous and continuous. Thank you Linda.

20 KEITH ACKWORTH: SWORN

EXAMINATION IN-CHIEF BY MR. ELIEFF:

25 Q. Mr. Ackworth, you were helping Linda with her trying to keep the 95 and 105 Cheyenne when you first time move in my apartment buildings. What were you seeing, what were you seeing the tenants and their children do around?

30 A. I seen them throwing like popsicle sticks and popsicle wrappers and watermelon parts, banana peels and

. Ackworth - in-ch.
everything on the floor; plus they get a pie, they go up to the
third hallway or stairway and coming down, throw the pie up
there too. And we had to go

5 MS. SANSON: I am sorry, I can't hear you.

THE CHAIRMAN: What did they throw?

A. Pie.

THE CHAIRMAN: A pie?

10 A. Yeah, like a cherry pie. And then after
we, her and I cleaned it up, like in a half hour, a half hour
after that go back and check and see how dirty it is, or how
clean it is and the same thing, like the first time, all dirty.

15 MR. ELIEFF: Q. Were throwing a little garbage
or a lot of garbage all over the place?.

A. Well lots in the hail and down the stairs
and everything.

20 Q. What were their parents doing as they were
stepping on this garbage?

A. They just walking right on it and cutting
right in

25 Q. Have you ever seen any of those parents
picking anything up what their kids been throwing?

A. No they don't.

Q. What that tells you?

30 A. Well what I figured out, they don't care
about the hail or the stairways or nothing. What I figured

..... Ackworth - in-ch.

out, they don't want to tell their kids to quit doing it or putting in the garbage pails.

5

Q. How many times you saw the front doors' small glass being broken, Keith?

A. Broken? About four times.

Q. Have you seen kids going through those holes instead of through the doors

10

A. Yes I did. I seen when the apartment is empty they throwing rocks and everything and stones.

Q. Do you see it looks like civilized behaviour?

15

A. No

Q. Have you seen any of those parents pointing out to those kids that's not the door to go through?

20

A. No I didn't.

Q. Or that's not the place garbage to be thrown?

A. No.

Q. Or this is not the place to be noisy makings?

25

A. No.

Q. Or running up and down?

A. No.

Q. You see no parents doing anything?

30

..... Ackworth - in-ch.

5

A. No, they don't say nothing to the kids at all. All they want to do is the parents want them

Q. Have you seen Susan Eagle how she's in everyday to check my place, doing anything about it?

A. No.

Q. Telling any of these children anything?

10

A. No, all I heard from the neighbours, she come in, check their heat and she never come over to our apartment to check the heat in ours.

Q. You seen Susan Eagle around but you never saw her pointing out to the kids, doing anything?

15

A. No I never seen her around or pointing out the kids to do anything.

Q. How many times you think those washing machines were broken, money stolen?

20

A. Well the last time I know, people got in there with like a screwdriver, got in there, putting in there to get the money out.

Q. How many times the fire extinguisher been stolen away?

25

A. About four or five times.

Q. How many times lightbulbs been stolen, taken off the ceilings in the halls?

30

A. If they need lightbulbs for anything in the

..... Ackworth - in-ch.

apartment, what they do, they come out, take out the hail .
and then take it back in the apartments.

THE CHAIRMAN: Have you seen the tenants take
the bulbs out?

A. No.

MR. ELIEFF: Q. So you seen those lightbulbs
disappearing?

A. I have seen the lightbulbs out and I ask .
around, "Who take the lightbulbs out?", and all they do, "I
couldn't speak English".

Q. What kind of food the kids have been
throwing around?

A. Like rice and

Q. Rice?

A. And bread and old, rotten potatoes and
stuff, right in the hallway and in both apartment houses.

Q. Isn't that waste of food?

A. A waste of food and And the way I was
thinking, they don't bring up the kids the right way.

Q. Waste of food. And who is carrying these
costs of all of these boat people and refugee people that this
nice country of ours brought in?

A. Well

Q. Who is covering the costs?

..... Ackworth - in-ch.

A. I think the government does to bring them .
from the

Q. And yet they are throwing so much food?

A. Yes.

Q. What the tenants on the top of you,
Cambodians, are doing to you?

A. Well the girlfriend was sick last week, and they made the noise and everything, and she was resting up, . trying to get away from her cold and they keep them awake, her awake and everything and we go up there and tell them to calm down and they calm down. You go back downstairs, sitting in the house watching t.v. for awhile and then the same thing, they keep running back and forth up there. And then one guy down the hall, his girlfriend just had a baby and they had upstairs of us, of me, they had the radio up so loud it shook the whole - he could feel them from up there to his apartment too. He went up and told them to turn the radio off, the new baby wanted to have a rest and they turned it down and say about an hour after, right back up again.

Q. What do you see, Mr. Ackworth, on my tenants' balconies?

A. Garbage, like garbage bags, old furniture and stuff.

Q. Is the balcony supposed to be used as a

..... Ackworth - in-ch.

garbage dumping place?

5

A. No, that where you supposed to be sitting out on in the summertime. Sometime they throw like garbage bags like before they take to the garbage box, and then downstair and taken out.

10

THE CHAIRMAN: Mr. Ackworth, when you say you see garbage on balconies do you mean that there are garbage bags on balconies?.

A. Bags, boxes and everything.

15

THE CHAIRMAN: Have you inspected these bags and boxes?

A. No.

20

MR. ELIEFF: Q. Did I ever show you when a tenant moved out so you can see what those bags contain in those balconies?

A. Yes I did.

Q. What were they containing?

A. Like old clothes and worms and ...

25

Q. Worms? Kitchen waste?

A. Yes, kitchen waste and everything.

THE CHAIRMAN: Let the witness answer the questions.

30

A. Like garbage and everything.

MR. ELIEFF: Q. Have you seen the state of the

. Ackworth - in-ch.

apartments left by tenants moving out?

A. No.

Q. After you keep the outside area clean, how long it would take to see it same condition, lots of garbage again?

A. Well it would take about half an hour to an hour. Say I was cutting lawn out there and everything, like raking all up and everything, and putting it all in bags, garbage bags.

Q. Were all of these garbage throwings, scratchings and noisy and markings and everything that you said, whose fault you think it is? The landlord's?

A. No, I think the kids'.

Q. Not the landlord's?

A. I think the kids' fault and it ain't the little kids, it's the - well it starts with the little kids right up to the big ones, from like let's see, 11 or 12 years old. They do that too. It ain't just pen marks on the wall either, it's these here markers, right from one wall ...

Q. Make big marks?

A. Right from one wall right down.

Q. What kind of writings you see on the walls, in English or what language?

A. Some was in English and some is in the

..... Ackworth - in-ch.

Vietnam's language.

5 Q. Are the walls in my buildings' halls for work table or classroom?

A. I think in the apartment houses the walls should be clean and not write on, and the walls is not for writing on.

10 Q. Is floor for garbage dumping place?

A. No.

Q. Is the backyard garbage dumping place?

15 A. No. What they should do, what the tenants should do is take the garbage out and put it in the bin.

Q. How many times you saw my fence being broken?

20 A. About five times. There is one piece there today is out. It was out there I think for a long time.

Q. Have you seen children instead of to go sidewalk or areas that they supposed to walk, just going straight across the grass and crossing the fence? Have you seen those kind of things happening?

25 A. Yes, I seen a couple of days ago, when they was going back and toward the school, they cut - they come out the door and they come around the corner and cut through where that hole is.

30 Q. So they are making themselves shortcuts?

A. Yes and the grass where they have walked back and forth, they got the grass, look like mud right down, right down to the mud. They got all the grass all wore down.

Q. Have you been reading in the London Free Press what they been saying all about me?

A. Not lately. The last time I read that is about the hydro.

Q. In your opinion you think Health Department, City Hall, London Free Press, Susan Eagle and her churches are doing a fair thing toward me as a landlord? With accusing me for all of this garbage and repairs, in your opinion?

A. Well in my opinion ..

Q. Do you think they are right to do that? They got right to do it or

THE CHAIRMAN: Let him answer the question.

A. Well I think what they should do is get after the Vietnams to straighten them up, and get the kids to clean, help. Help to make the apartment clean.

MR. ELIEFF: Q. And if they do that you believe that will help me to continue keeping this place in . good shape?

A. Yes I would.

Q. And the fight would be over?

..... Ackworth - in-ch.

5

A. And the person you hired, that might help him to keep the rugs clean, the stairways clean and the sidewalk clean for walking.

10

Q. Otherwise you think in your opinion, any repairman or cleaning person would get discouraged doing it? Is that in your opinion?

A. No, I think my opinion is to get the kids to help with cleaning up and tell them not to throw stuff on floor.

15

Q. When you were helping Linda to keep the place clean ...

A. Yeah.

Q. Were you discouraged by them keeping throwing the garbage or you didn't care?

20

A. I was thinking about going and putting notice up on the wall telling, "Any mess on the wall, please - or on floor, please clean up".

Q. Can anybody keep up with this? That's my question.

25

A. Well I don't think so.

Q. You don't think so. Thank you.

A. You're welcome.

30

THE CHAIRMAN: I wonder if I could ask a few. When did you first come to live in either 95 or 105 Cheyenne?

..... Ackworth - in-ch.

A. Well I guess that was about I think, about two years ago. I was living in 105, apartment 3.

THE CHAIRMAN: That's in 1990?

A. 105.

THE CHAIRMAN: That's in the year 1990?

A. Yes.

THE CHAIRMAN: Do you remember what month?

A. No I don't.

THE CHAIRMAN: In 105, apartment 3, and how long did you stay there?

A. When the landlord asked us if we wanted to be the superintendent.

THE CHAIRMAN: When was that?

A. I don't know for sure. I said, "Yes", and he said, "You can have in 95, apartment 28". That's the superintendents' apartment.

THE CHAIRMAN: And how long were you superintendents?

A. About for - I just forget now. I was doing everything about two years there and ...

THE CHAIRMAN: Two years?

A. Yes.

THE CHAIRMAN: So from 1990 to 1992 you were superintendents and you lived there?

. Ackworth - in-ch.

A. Yeah.

THE CHAIRMAN: For two years?

A. Yes.

THE CHAIRMAN: So have you lived in 105
Cheyenne from 1990 to the present time?

A. No.

THE CHAIRMAN: When did you move out?

A. Well, we gave up the superintendents' job.
That when we moved out there, like when I gave up the
superintendent's job.

THE CHAIRMAN: Could you speak up please, Mr.
Ackworth? Just in response to that last question, when did you
move out?

A. Well that when I told Elieff, give my
notice in to move.

THE CHAIRMAN: Yes?

A. I found another place to move into.

THE CHAIRMAN: And do you remember when that
was?

A. No.

THE CHAIRMAN: Was it this year?

A. No.

THE CHAIRMAN: Was it last year?

A. No I don't think so.

..... Ackworth - in-ch.
cr-ex.

THE CHAIRMAN: You can't remember?

A. No.

THE CHAIRMAN: And have you moved back into 105
Cheyenne?

A. I just moved back in a month ago.

THE CHAIRMAN: A month ago? In 105 or 95?

A. 95, apartment 29.

THE CHAIRMAN: Okay, Ms.Sanson, you have
questions for the witness?

CROSS-EXAMINATION BY MS. SANSON:

Q. Are you the superintendent now?

A. No.

Q. How much rent do you pay?

A. 460.

Q. 460?

A. I think 460 or 480.

Q. Are you paying rent?

A. Yes.

Q. The full rent?

A. Yes.

Q. Why did you leave the Cheyenne apartments?

A. Well I moved out there because I had a job

..... Ackworth - cr-ex.

to go to.

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Q. You had another job to go to?

A. I had a job to go to.

Q. A good job to go to?

A. Yes.

Q. Did you get fired from the Cheyenne
apartments?

A. No I quit.

Q. You quit?

A. Yes.

Q. Why did you move back to the Cheyenne
apartments?

A. Well I figured out the landlord I had
before didn't want to do the working at the house, the things
that you ask him to do stuff, he wasn't doing it. I told the
girlfriend ...

Q. I can't hear you.

A. I would go down and see Mr. Elieff to see
if he could get an apartment in there.

Q. Uh huh.

A. And he said, "Yes, I got apartment there,
in 95, apartment 29".

Q. Uh huh?

A. Well we went down to talk to him, went down

..... Ackworth - cr-ex.

to see the apartment and came back and pay him the rent.

And he give us a key and we moved in.

Q. Can you tell me what you did as superintendent?

A. Help my girlfriend to do the rugs and the stairs.

Q. So what did you do?

A. I did the stairs.

Q. So what did you do, sweep them?

A. I swept and mopped them.

Q. Pardon me?

A. Sweeped and mopped them.

Q. And mopped them?

A. Yes.

Q. And how often did you do that?

A. Twice a week.

Q. You did it twice a week?

A. Yes.

Q. Every single week?

A. Yes. And I cut the lawn.

Q. You cut the lawn?

A. Yup and on both places.

Q. Both places?

A. Yup. That's stairways and rugs too in both

..... Ackworth - cr-ex.

places.

Q. And what did you do to the rugs?

A. Linda vacuumed them.

Q. And what did you do?

A. I did the stairs, mopped the stairs.

Q. Mopped the stairs?

A. Yeah.

Q. Is that all the work that you did in those places?

A. Yes, I done that and then I cut the lawn and picked up all the tin cans and stuff off the ground before I cut the lawn, the stones and everything.

Q. Uh huh and you cut the lawn how often?

A. About twice a week.

Q. Twice a week?

A. Yes, I had a power lawnmower, I had two of those going. And then in the wintertime I shovelled the snow.

Q. Anything else you did?

A. No.

THE CHAIRMAN: Sorry, we didn't hear the last answer? What was the question?

MS. SANSON: Q. Was there any other thing that you did?

A. No.

..... Ackworth - cr-ex.

Q. That was it?

A. That was it.

THE CHAIRMAN: Thank you.

MS. SANSON: Q. Now you said in your evidence that, "They don't care about the hail and stairways". Who were you referring to?

A. The Vietnams.

Q. The Vietnamese?

A. Yes. Some of them - some of the apartments there had Canadians in them, about, I think about four or five apartments in each building had Canadians.

Q. But it was just the Vietnamese who didn't care about the hail?

A. Yes. See, the Canadian kids, you tell them to do stuff, they do it. I can't speak their language.

Q. Now you said that you saw four windows broken when you were there.

A. Yes.

Q. They were broken four times?

A. Two in 105, right in the front door.

Q. Did you see who did it?

A. No, and two at 95, in the front door too, on the side of the door.

Q. Did you see who did it?

..... Ackworth - cr-ex.

A. No, I just came out there, like in the morning, that when we do the rugs and stairways, and that when I seen the windows busted. I called Eli that day and I told him, "We got two windows busted in 105 at the front door and two in 95 in the front door".

Q. So two windows in each building in two years' time while you were there?

A. Yes.

Q. Did he fix them right away?

A. Yes he did.

Q. Do you know when?

A. No I don't.

Q. Or how long?

A. Well I think - I think he done that about I think two days after I phoned him.

Q. Are you sure?

A. Yes.

Q. Whose job was it to check the heat in the apartment?

A. To check the heat? I checked the heat in my apartment and sometimes it was cold in there and sometimes too hot.

Q. Was it your job as the super to check the heat?

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5 A. No, not my job. The other guy in 28 checked the heat there.

Q. Who was that?

A. Andy Snitjes.

Q. Andy Snitjes?

A. Yeah.

Q. He wasn't living there at the time.

10 A. No, I think Now, I think the way I heard Mrs. Eagle was going around the apartments and checking the heat to see how much heat we have.

15 Q. But you were the superintendent, right?

A. No.

Q. You weren't the superintendent?

A. Not now.

20 Q. Not now? I'm talking about before.

A. I don't go around checking the heat.

Q. Who did that?

A. I think the landlord did.

25 Q. You didn't do that?

A. No, you see I never had permission from the landlord to go in each apartment to check the heat or see what the apartments looked like. This was his job and then I'm just like a caretaker.

30 Q. Now you were talking about the washing

..... Ackworth - cr-ex.

machine, somebody coming in with a screwdriver.

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A. Well that's the way I figured out it was
.... When I went in there to do my washing, when the girlfriend
.... the way it was pried up, that the way it looked like a
screwdriver did it.

Q. Uh huh?

A. Or some other kind of wrench that done it.

Q. Did you see who did it?

A. No. All I know is it was busted.

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Q. Is there a lock on the doors, the outside
doors?

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A. Well, it was locked when I was
superintendent.

Q. It was locked? The outside doors had locks
on them?

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A. The laundry room.

Q. What about the outside doors of the
building?

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A. The outside door was unlocked all the time.

Q. There were no locks on the outside?

A. No, not the doors to come in and out.

Q. Who had the keys for the laundryroom?

A. I did.

Q. You did?

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..... Ackworth - cr-ex.

A. Yes.

Q. So you had to get a key from you to get in there?

A. No, I leave them open from 8:00 o'clock in the morning to around about 9:00 or 10:00 at night.

Q. And that was for the two years that you were there?

A. Yes. I put the

THE CHAIRMAN: Could you speak up please?

A. I put the sign up there to tell the people the laundryroom will shut and be closed between - at 9:00 o'clock at night and open at 8:00 o'clock in the morning, maybe earlier.

Q. You said there were lightbulbs stolen, and you also said that you hadn't seen anyone take them. You said that there were children throwing rice, bread, rotten potatoes, is that true?

A. Yes.

Q. Who was that, that was throwing them?

A. You see they was sitting out there ...

Q. Who was?

A. The parents.

Q. Who? Can you give me any names?

A. No.

..... Ackworth - cr-ex.

Q. No names at all, not one name?

A. I didn't know which apartment they came from.

Q. You didn't? You were the superintendent but you didn't even know which apartment they came from, is that correct?

A. Yes.

Q. But you remember they were throwing rice and potatoes, rotten potatoes?

A. Yes.

Q. And cherry pie?

A. Yes.

Q. But you can't remember a single name?

A. No I couldn't.

Q. But you were the superintendent, is that right?

A. I never had the papers, you see he never gave us the paper, who living in which apartment.

Q. And you never took the time to find out anybody's name as the superintendent? You were looking after them. You didn't know their names?

A. You see, I went up there and asked who throwed the - like the cherry pie.

Q. Uh huh?

..... Ackworth - cr-ex.

A. They said, "Well I couldn't speak English".

Q. Uh huh?

A. And I said Then I asked the landlord for the paper for each apartment, the names on it and then next time I seen it, I could go to the apartment and they never threw anymore pies.

Q. Uh huh, so you are sure it was a Vietnamese person who threw the pie? You're positive?

A. Yes.

Q. You never saw it?

A. I never seen who threw it.

Q. But it was a Vietnamese person?

A. I seen them on the stairways.

Q. And it was a Vietnamese person throwing the rice too, is that right?

A. Well they were sitting out in the hallway and eating out there, like a bowl of rice and stuff.

Q. Uh huh.

A. And the kids were spilling on the floor, right out of the dish.

Q. Did you see them do it?

A. No.

Q. Now you told me about a radio being on.

A. Up above my place.

. Ackworth - cr-ex.

Q. When was that?

A. That was this year, about a week ago.

Q. During the day?

A. Yes, and at night and they don't shut down until around about 3:00, about 3:00 or 4:00 o'clock in the morning.

Q. Uh huh?

A. Plus the kids running up and down the hall, running up and down the floor with a bicycle.

Q. With a bicycle?

A. Yeah, right on top of me.

Q. Did you see the bicycle?

A. Yes.

Q. You saw them riding a bicycle? Who was that?

A. Right above us is Vietnams living there.

Q. What's their name? Do you know?

A. No I don't.

Q. At 3:00 o'clock in the morning did you call the police?

A. No. I don't think that other guy called the police either.

THE CHAIRMAN: Mr. Ackworth, could you repeat that response?

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5 A. I don't think the other guy called the police too.

MS. SANSON: Q. Are you aware that your apartment went through rent review this summer?

A. No I don't.

10 Q. You said your rent was 460?

A. 460 or 480.

Q. I think it should be about 433.

MS. SANSON: Could I just get that document back?

15 MS. SANSON: Q. While you were a tenant in 1990, do you recall seeing this being sent to your address?

A. No I didn't.

Q. You don't recall it?

A. No.

Q. You don't recall it or you never saw it?

A. I never seen it.

20 Q. You never saw the notice of seizure of rent?

A. No.

25 Q. For the outstanding \$6,000 that Mr. Elieff owed?

A. No.

30 Q. You never saw it?

..... Ackworth - cr-ex.

A. No.

Q. It was never sent to you?

A. No.

MR. ELIEFF: I object that.

THE CHAIRMAN: What's your objection, Mr.

Elieff?

MR. ELIEFF: Not rent review matter.

MS. SANSON: Objection to what?

MR. ELIEFF: This is not rent review matter here.

MS. SANSON: Well perhaps you could assist the Board and tell them what the real rent is?

MR. ELIEFF: That's not why we are here.

THE CHAIRMAN: Mr. Elieff, I hear your objection but I see no problem in the question.

MR. ELIEFF: That's not why we are here.

MS. SANSON: Save it for your cross-examination, Mr. Elieff.

MS. SANSON: Q. Are there any empty units in 105 or 95?

A. 105, I think all the bottom is empty.

Q. Pardon me?

A. 105, all the bottom, the lower apartments, is empty.

..... Ackworth - cr-ex.

Q. Any others?

A. No, I don't think so.

Q. Just the bottom?

A. Yeah.

Q. Are you sure about that?

A. Yes, I can see from the parking lot.

MR. ELIEFF: That's another objection. That's not why we are here.

THE CHAIRMAN: Go ahead, Ms. Sanson.

MS. SANSON: Q. How many kids to you think are in the two buildings? A guess?

A. About 30.

Q. In both buildings altogether?

A. About 15 in each.

Q. That's it?

A. Yes. That's what

THE CHAIRMAN: Mr. Ackworth, we can't hear you.

A. That what I guess at, about 15 in each.

THE CHAIRMAN: 15 kids in each?

A. Or a little more.

THE CHAIRMAN: It might assist the reporter if you move the microphone closer. We can't hear you.

MS. SANSON: Q. Who is the superintendent right now?

..... Ackworth - cr-ex.

A. I think Andy Snitjes.

Q. Are you sure about that?

A. Well he is living in the superintendent's place.

Q. Pardon me?

A. He's living in 28 at 95, the superintendent place. I think he is the superintendent. That's what he was telling me.

Q. That he was the superintendent?

A. Yes.

MR. ELIEFF: Self proclaimed.

MS. SANSON: Q. When you were the superintendent was your apartment next-door to the laundryroom?

A. No, right across the hall.

Q. Right across the hall from the laundryroom?

A. Yes. I think when you go in the door there from the parking lot ...

Q. Uh huh.

A. ... you go in that door and you go in another door, turn left. I'm on the righthand side.

Q. So you are really close to the laundryroom?

A. Yes.

MS. SANSON: I believe Chippheng has

CROSS-EXAMINATION BY MS. HON:

5 Q. I would like to know, when you say that the children are throwing garbage and playing and screaming in the halls and you say that the parents don't say anything to the children. How would you know they didn't say anything to the children. Do you understand Cambodian?

A. No I don't.

10 Q. If you don't speak Cambodian, then how do you know they don't tell the kids not to scream and throw garbage?

15 A. Well they do it all the time, hollering, running up and down the stairs and the hall, when I was living there.

20 Q. The other question I like to know is, say that you saw people leaving garbage in front of their apartment, and you pick it up and throw it in the garbage yourself. Why you not knock on their door and tell them to go and throw it in the garbage? Why do you do that?

25 A. The garbage? I said on the balcony, not in the hallway.

Q. Box in the hallway.

A. Yeah, on the balconies.

30 MS. HON: That's all the questions.

THE CHAIRMAN: Thank you. Mr. Ackworth, the

..... Ackworth - cr-ex.

Board has heard a lot of evidence about the condition of the various apartments in these buildings. When you were a superintendent did you have occasion to go into the apartments in these buildings?

A. No I didn't.

THE CHAIRMAN: You didn't?

A. No. What I figured out is if the landlord wanted me to go in and check the apartments, he supposed to be giving me permission to go in, and plus the keys to go in.

THE CHAIRMAN: Well you have lived in a couple of apartments.

A. Yes was living in 105 ...

THE CHAIRMAN: Yes?

A. ... Apartment 3, and then I moved from there over in 95 and 28, and he made me the superintendent.

THE CHAIRMAN: And what can you tell me about the condition of those apartments, the ones in which you have lived?

A. Well the first one in 105, apartment 3, was in pretty good shape, maybe little nail holes where you hang pictures and stuff. And in 29, 95, and in 28, it would be the same thing, just holes where you hang pictures up.

THE CHAIRMAN: Did you ever have a problem with cockroaches?

..... Ackworth - re- ex.

A. No.

THE CHAIRMAN: Mr. Elieff, any questions in reply?

RE-EXAMINATION BY MR. ELIEFF:

Q. Do you, sir, have to know Cambodian or Vietnamese to see the Cambodian children's parents disregard for what their children are doing? Do you have to know their language to see?

A. No you don't. I don't think you do.

Q. Can you distinguish who is Vietnamese, who is Cambodian? Can you distinguish that?

A. No I don't.

Q. Is it what you meant by Vietnamese, all of these Asian tenants or just you said Vietnamese because you know exactly who is Vietnamese?

A. I think what I figured out ...

Q. What you were referring?

A. About when I called Vietnamese, I think everybody.

Q. You meant all of them?

A. Except the Canadians.

Q. Thank you. Do you recall which apartment

..... Ackworth - re- ex.

or windows or patio door this tenant of ours lives?

A. No.

Q. In your opinion, Mr. Ackworth, what kind of person and what kind of landlord do you think I am?

A. Well I think you are a pretty good landlord. If I ask you for anything like paint and stuff you give it to me.

Q. Am I discriminating against my tenants?

A. No.

Q. By colour or race or language?

A. No.

Q. Or age?

A. No.

Q. Have you ever seen me looking bad to them or talking bad to them? Have you ever seen me or heard me doing something that is not appropriate or friendly?

A. No I didn't.

Q. As me acting? Instead, how you been seeing me around?

A. Well ...

Q. Toward my tenants and their kids?

A. The only time we seen you around there if they call you to fix like a stove or fridges or windows or stuff, or something around at all. And just when you come

. Ackworth - re- ex.

around to pick up the rent.

5 Q. Isn't it in your opinion that I was kind of sacrificing people like you who agreed to do clean up job for me for these tenants and their children? Do you think that - what is your judgment toward using my people that would work for me in trying to do good to the tenants? Did you found me as a landlord who is willing to let you work hard and not to 10 bother my tenants or give them too much harassment because what they been doing?

15 A. Well what I think, I think you hire a superintendent, plus the superintendent have to do their job to keep the apartments, like the hail, stairways

20 Q. You believe I been intelligent enough to them trying to educate them as much as I could so that they won't do all the damage they been doing?

THE CHAIRMAN: Mr. Elieff, the question is not just

MR. ELIEFF: That's my last question.

25 THE CHAIRMAN: Just ask a general question.

MR. ELIEFF: Q. Yes, just describe me as a person and as a landlord?

30 A. Well I think you're a pretty good landlord and you are trying to do your best to keep the apartments up and in shape and condition and everything. The kids might not

. Ackworth - re- ex.

want you to keep them up in condition, or keep them up in shape.

Q. Who do you think was doing all this damage and garbage? Me as a landlord and my family, or the tenants and their kids?

A. I think the tenants.

Q. Is what you believe?

A. Yes, they should have enough - think enough to put the garbage out off the balcony into the buckets you got out there.

Q. Do you think it is fair for all of these accusers bringing me here for all these accusations? Do you think it is fair toward me, as your landlord?

A. No I don't think it is fair.

Q. Thank you very much.

THE CHAIRMAN: Thank you, Mr. Ackworth.

MR. ELIEFF: Mr. Pipe, or if you want to take lunch? I don't know.

THE CHAIRMAN: It is 12:00 o'clock. Shall we proceed with your witness?

MR. ELIEFF: Yes, let's finish with him and no more witnesses.

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JOHN PIPE: SWORN:

EXAMINATION IN-CHIEF BY MR. ELIEFF:

Q. How did you get apartment 43 out of me, Mr. Pipe?

A. Last May I believe it was I came to your shop and according to your advertisement in the window, asked you if you had an apartment for rent.

Q. How did you find me, my personality, at that time?

A. Extremely helpful and willing to help me out. I didn't really form any opinion, I just, you know was looking for a place and I went in there. I had no trouble with your personality.

Q. Did you have any i.d.'s to show me so I know who you are at that time?

A. I don't understand the question.

Q. Did you have any i.d.'s, like driver's license or stuff like that, so I know who you are?

A. No, no, not at all. He helped me out when I was in a desperate situation, and he has helped me out a lot of times ever since. I find him to be a very okay landlord, okay person. I have never had any problems with him as a

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. Pipe - in-ch.

person or a landlord. And he has helped me out a lot of times.

5 Q. What actually I have done for you? What have I given to you as trying to be a good person?

A. Right now I am on a pension because of a back injury so I am short of money. So when I moved in I had nothing. A lot of times Mr. Elieff went out of his way, for no reason at all, just to help me out, bringing me food from tenants that moved out and clothing and furniture. Helping me out for no reason at all without my even asking for it.

15 Q. So what you are saying here is some tenants who moved out and left some cans and other food, I brought you down to show you what some tenants have left and because you are person in need, I offered it to you. Is that what you are saying?

20 A. That's correct.

Q. And is that something that you appreciate me as a person and as a landlord?

25 A. Yeah, I found that as a person you went out of your way to help me out in life, you know with no reason to.

Q. What did you tell me your physical limitations, back problems and stuff like that?

30 A. Yes, I told you I had a very bad back injury and that I was on pension because of that.

Q. And then, what was the reason for you to

..... Pipe - in-ch.

5 give it a try to keep the place clean for me? You were in need of exercise or what was it?

A. Well, I wanted to try to see if I could do something still because I used to work in landscaping and renovations, so I wanted to keep busy, and also I noticed there was garbage around; so I got together with Mr. Elieff and for 10 three months in the summer he hired me to pick up the garbage everyday around the two buildings and inside the buildings as well as in the parking lot. And for that, he was giving me a reduction in my rent.

15 THE CHAIRMAN: This was in the summer of '92?

A. Last summer, yes for three months, June, July and most of August.

20 MR. ELIEFF: Q. So you give it a try about three months to keep the place clean for me?

A. I tried every single day. I went around with garbage bags and picked up an unbelievable amount of garbage.

25 Q. Unbelievable?

A. It was totally discouraging because you couldn't keep up with it, you know. There was wholesale destruction of the property as well. Fire hydrants replaced were stolen and broken the next morning. Windows are kicked in by kids playing Ninja Turtles, and apparently nobody ever tries

..... Pipe - in-ch.

to tell the kids not to do that because they just keep doing it every single day. It is a repeated routine.

Q. Have you been seeing it yourself, with your eyes?

A. Yes, this is an eye-witness report.

Q. What kind of children, Canadian white or Asian?

A. Just children, they're Canadians now.

THE CHAIRMAN: Canadian children?

A. Well I guess everybody living here is Canadian.

THE CHAIRMAN: Do you mean of Canadian origin or do you mean

A. I don't know if these children were born in this country or not. They're under the age of 15, for the most part I am talking about.

MR. ELIEFF: Q. Did they look like Vietnamese or Cambodian kind of children?

A. They just looked like children to me, rambunctious children.

Q. You are too good, John. You don't want to make discriminations.

THE CHAIRMAN: Mr. Elieff, please ask the questions.

. Pipe - in-ch.

5 MR. ELIEFF: Q. Keep telling us some more of what those children been doing around?

10 A. Yes, the reason why I am here to give my two cents' worth to this discussion is because also while I am living there, I notice what I call more or less, constant wholesale destruction of the property. It is really unfair to ask any landlord in my opinion to try to keep up with repairs under these conditions. Like I said, this is behaviour that is repeated every single day, without fail and all summer long, and not just the children but everybody. There's unbelievable amounts of garbage, like there's food and wrappers and dirty
15 diapers and clothing and telephone books thrown off the balconies, and it is like a C.N.E. fairground. It is totally unfair in my opinion, whether he is a good person or not, to begin to keep up to standard when this kind of behaviour is limiting his possibilities by forcing him to pay for repairs every single day. It is just unbelievable. I have lived in a lot of apartments and it is a very nice family atmosphere, it
20 is lovely, you know the family atmosphere. It is not like the isolated apartments you find in some places where you don't even know your next-door neighbour. It is wonderful, but there is this accusation against the landlord when I witness personally every day the wholesale - what I call - I can't say
25 any way to call it less than the wholesale destruction of his

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property on a daily basis. I just gave a few examples. I
 could go on and on. The kids, they take the garbage out of the
 parking lot, they make little toy forts with it and they drag
 it all over the place and they tear stuff every day and whether
 they have food or wrappers, wherever they are, they drop it.
 There is never a though apparently to look for a garbage can or
 anything, and apparently no parents ever tell them not to do
 it, because it goes on and on everyday. It just goes on. I
 think it is fun. I think the atmosphere is exactly the
 opposite you know of the constraints where you scold kids all
 the time. I'm against that, but this is just the opposite
 extreme. And to make charges against the landlord under these
 conditions, I don't think it is equitable. That's why I am
 here to testify. He may not be a perfect landlord, he may not
 be a perfect person. Who is? But to try and make someone tow
 the line when he is being constantly drained, it is like for
 him to make repairs there would be like trying to blow up a
tire with a hole on the other side. I have seen him fix things
 and the next day they are smashed. So if people want to force
 him to maintain standards they should start with their own
 selves and make those standards applicable first in my opinion.

Q. You have been trying to clean the halls,
 the stairs, how much garbage was there on a daily basis?

A. Every single day there was three large

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plastic garbage bags full. I could you know, enumerate all the things but it is just endless. Every possible - you have to see it to believe it. I told my sister about it because she has read about this case in the newspapers. She doesn't believe me. She thinks I am making it up, the amount of garbage, the unbelievable stuff, you know. I have watched people just throw corncobs, food, watermelon rinds, diapers - just wherever they are, they just toss it on the ground as though it were a fairground, and it is not. It is a private apartment building, and so that's what I saw with my own eyes.

Q. And those children in your belief are not children from next-door buildings?

A. No, I happen to know - I have seen children that I know live in these buildings participate in this behaviour.

THE CHAIRMAN: You said three plastic garbage bags?

A. Yes.

THE CHAIRMAN: Do you mean in the two buildings, 95 and 105?

A. And the parking lot as well. Inside and out and the grounds.

MR. ELIEFF: Q. How many times a day you did that?

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A. I did this once a day. At first I did it twice a day, just to get it to a certain standard, and I went to a lot of trouble of cleaning up every little scrap, because I like it clean. And I just couldn't keep up with it after two and a half months, so I told Mr. Elieff, you know - every single day it was three garbage bags.

Q. What was the most thing that discouraged you? Was it the kids doing it or ...

A. No, the thing that discouraged me was the fact that you can't ever get to a point where you have the situation under control and that's how I came to learn the kind of trouble this landlord was having in order to keep his own standards, because just picking up the garbage, that's only one small component of the problem. It was so discouraging because you try to get to a place where you've got a little control over the situation and before you have reached that control then you are inundated with more, you know, problems of this nature. You just can't keep up with it. It is a constant daily - it is like a waterfall - it is just rambunctious kids. You know, nobody is being nasty or anything, it is just a situation that has got out of control.

Q. And as you are aware, John, my tenants are in tenant association or group led by Susan Eagle. Have you seen Susan Eagle around as the leader of that association?

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A. Yes, she has been to my door twice.

Q. Have you seen her

THE CHAIRMAN: Let him finish answering the question.

A. I have seen Susan Eagle has been to my door twice on behalf of the tenants' association.

MR. ELIEFF: Q. What did you say to her?

A. I participated willingly in everything that she was doing. I have no complaints against Susan Eagle. She was there trying to get some action about the cockroaches and I participated by collecting cockroaches. And there was something else.

Q. Have you complained to her about the garbage being thrown around?

A. No, I have never made my complaints apparent to her.

Q. Has she seen you cleaning around?

A. Not that I am aware of.

Q. Not that you are aware of? Have you seen her telling the kids not to do

A. I have never seen her, or anyone else, telling the kids not to do this destruction, and I have never seen any evidence that they have been so instructed ever because it continues on a daily basis.

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5 Q. How many times you see my tenants going into the next-door church, for meetings, for stuff like that, or Sunday services?

A. I have never seen that myself.

10 Q. When you started to clean the outside lawn area and the parking lot, how many times you were cleaning a day? Once, twice?

A. Like I said ...

Q. The outside?

15 A. The outside, I started at twice a day and when I got - it was once a day but it took me longer than I had anticipated. I was at first willing to put half an hour a day into it. I mean theoretically I was just supposed to go around and pick up a few things, you know, but the level of it and the daily inundation of it made it longer and longer each evening, so I did it at night and it just kept taking too long.

20 Q. And those kids, these are the kids who see you cleaning up the mess?

25 A. Everybody saw me

Q. And the kids?

A. Who lives there, sure.

Q. And they was continuously throwing things?

30 A. They would throw garbage down right in front of me while I was still picking it up. It was as if they

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expected that to be the way it should be. Like sitting out all summer like it was a big carnival or C.N.E. or something and eating corn cobs or watermelons or popsicles, wherever they are, they finish ... just ... on the ground. No regard for the property at all apparently. It seems to be an oversight on their part. And this is the majority of people, not restricted to any particular nationality, you know. It is a problem of the place, it seems to have an inertia of its own.

Q. Have you seen any other vandalistic things concerning fire extinguishers or others

THE CHAIRMAN: Mr. Elieff, ask if he has seen any vandalism.

MR. ELIEFF: Q. Okay, how many times you our fire extinguishers being stolen?

A. You don't need to make any suggestions about what I have seen. I couldn't believe it. You know, I have seen the window panes of the houses smashed in by kids practising playing Ninja Turtle. And I have seen them fix the window and the next day they do the same thing to the same window.

Q. Being broken again?

A. Yes. After he has put money into repairs, and nobody - they think it is fun or something - I don't know what they think. I don't know who "they" are, but I mean it is

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just there is no evidence of anybody instructing them not to behave this way. It just goes on and on daily. It is like a way of life, you know that goes on there. It is this big family affair, circus. And it is fun. It is a very loving atmosphere.

THE CHAIRMAN: How many times have you seen the windows smashed?

A. Windows in particular I have seen smashed three times.

THE CHAIRMAN: And you actually saw people smash them?

A. That's correct.

MR. ELIEFF: Q. Have you seen fire extinguisher smashed and stolen?

A. No, I have not eye-witnessed that but I have seen you put them in the night before and I have heard the noises of them being vandalized and I have seen them disappear by the next morning.

Q. Have you seen light bulbs being stolen, taken off?

A. No I have never personally witnessed it but

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Q. Missing, have you seen them missing?

A. Every time they are put in on a consistent,

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5 habitual basis they are gone as soon as whoever puts them in
turns his back. They don't wait, the guy comes in and puts in
new light bulbs, he goes out - the fire extinguisher - ten
10 minutes later somebody steals the light bulbs. And then you've
got the halls in darkness and the bulbs are always replaced as
soon as the landlord is made aware of the situation. He puts a
new one in and it is gone as soon as he turns his back. The
atmosphere is like buildings you see in documentaries on New
York City about ghettos where chaos has taken over. The flavour
15 is like that. It is just a situation where trying to get
physical control over the environment would not only be
disheartening but would drain your funds so purposelessly that
it would be pointless to try and keep up to a certain standard.
It would be impossible. I would like to see the landlord do
20 more repairs but I would not even think of requiring it until
this destruction was stopped. And this is just wanton
behaviour that keeps on day after day all the time that I have
been there, and it continues even now with children in the
25 winter bringing in old t.v. sets and smashing them in the
halls, or just bringing snow in, having snowball fights. They
live in the halls. They don't treat it like a private
apartment building. They treat it like it was, you know, like
30 a tribal village or something.

THE CHAIRMAN: What do you think is the reason

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for it?

5 A. I couldn't possibly speculate on it. The reason I think is, like I heard Gloria Steinham on the radio the other day talking about how we ruin our kids by reprimanding them too much and she said, "Who cares about the linoleum that much? We need to nurture our children more". In 10 this situation the children are completely nurtured. In other words, since I have been there I have never heard anybody ever reprimand the children for anything. They are left mostly to their own devices, which is why they go off on tangents and 15 they are not instructed because the adults seem to be very busy playing sports, mostly volleyball. It is just an oversight, it is just a different way of looking at things where the situation has got out of hand and it has polarized on 20 both sides.

THE CHAIRMAN: How well would you say you know the other tenants?

25 A. Not very well. No, I don't visit with them. I mean, they all know me from sight and we say "Hello" in the halls and like that.

THE CHAIRMAN: Are you able to communicate with them in English or another language?

30 A. I communicate with them in French and English.

THE CHAIRMAN: In French?

A. Hm hm.

THE CHAIRMAN: Sorry, Mr. Elieff.

MR. ELIEFF: No, no problem, keep asking.

MR. ELIEFF: Q. Have you ever read some of this London Free Press papers, their written stories?

A. No but I have heard a lot about it from my sister who is - my sister is very keen on the case. I have told my sister about this and she doesn't believe anything I say because she is automatically prejudiced against the landlord in this situation from the reports in the paper. She is extremely enthusiastic to be biased against the landlord before she hears the facts of the matter.

Q. Do you think in your opinion the London Free Press have been telling half of my story and half of the tenants' story?

A. I can't give an opinion because I haven't read the articles, but I have only heard about the articles, and from what I have heard of the articles, it would seem to be a biased representation. In fact, my side of the story, the side I have been telling, is so unbelievable to some people that I have told it to that I would say the situation is more or less invisible to people outside who don't live there and experience this day after day because I have told people

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outside and they just don't believe me, the things I have said. They say, "It is impossible, people don't behave like that", so they automatically agree with the statements they have read in the paper about how rapacious this landlord is and they don't even want to hear the facts anymore. That's what I have experienced in talking to people.

Q. You been having lots of problem with children throwing garbage. What else you seen through the hall and through the walls of my house?

A. Well as I say, it is just a daily grind of....

Q. Have you seen scratchings on the walls?

THE CHAIRMAN: Let him just finish.

A. I was just going to say that it is just now, sir, of people living in the halls and treating it as if that were their playground. They don't treat it as a privately own property that they happen to be renting. It is just a place like their own public playground to treat how they want to, and they write on the walls, they scratch plaster out, they take stones and they ...

THE CHAIRMAN: Have you seen them do this?

A. Yes, almost everyday. After school, they come home, they're board, they don't have much to do, they have to make up their own fun, so I've watched them chip away at the

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plaster, write on the walls, scratch things out, you know just being rambunctious kids, not malicious, just being unguided kids. But I have also seen adults coming out of the parking lot, out of their cars, finishing a pack of cigarettes and just tossing it on the ground. Taking beer out of their car and just putting it beside - empty bottles on the ground, and oil. It just seems to be a disregard for the property which I don't understand.

MR. ELIEFF: Q. So what you are saying, there is a big garbage can on the parking lot and yet you see oil can empty all over the place?

A. That's right, that's right. That's why I got discouraged. I made a very strong effort to try and keep the place clean and I just couldn't. I got discouraged. I wanted to because I like a clean place, but I just got very discouraged because it is not supposed to be like that in the first place. It shouldn't be happening, even a little bit. This is a private property. It is not a garbage dump, you know. I mean, you know in theory, I don't mind the behaviour. It doesn't really bother me that much but it is not supposed to be happening even a little bit, not even a little bit and this is the law, you know. So I shouldn't have even been having to do this job in the first place. I have lived in a lot of apartment buildings and you don't have people throwing stuff on

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the ground or in the halls or writing on the walls. It is just unconscionable behaviour and I think it is unconscionable to attack the landlord when this type of behaviour goes on and that's why I am here. I am not saying the landlord is perfect, I am not saying that some of the accusations against him aren't true, I'm just saying that I think it is totally unjust to try and keep this landlord up to standard when they drain his capacity to stay at that standard in the first place.

Q. In your opinion, John, do you think those children should be taught, or even disciplined for what they are doing? Should they be disciplined?

A. In my opinion, I don't think it is correct that people should be allowed on a daily basis to just wantonly destroy property and throw garbage. I would like to see some evidence that they have been instructed not to do this. I have never seen any evidence of such instruction.

Q. In your opinion again, if these children were taught or disciplined by their parents or their school or their church going place, do you think they would have changed their behaviour?

A. I am sure they would have. These children go to school only a couple of blocks away. You can see that they do not treat their school ground in this fashion. The church is clean. Everywhere else is clean except this place.

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It is like they are picking on it or something. You know, I have no idea what the real buried motivations or dynamics are, but they don't treat their school ground this way, they don't treat their church this way, but they treat the place they are renting this way.

Q. What have you been seeing on tenants' balconies?

A. A similar accumulation of garbage, broken windows. I also wanted to comment on the fact, when people move out of their buildings it is not uncommon for them to destroy the apartment when they leave. I have seen one myself, eye-witness, and others I have seen the results of where a person moving out, or a family moving out of a certain apartment completely destroys it. For what motive I don't know.

THE CHAIRMAN: Have you been in this apartment?

A. No, I was on the ground.

THE CHAIRMAN: Yes?

A. Cleaning up during the several days while this occurred.

THE CHAIRMAN: While the apartment was being destroyed?

A. Yes. Windows being smashed, plaster inside being ripped.

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THE CHAIRMAN: But you weren't present inside the apartment when this was being done?

A. No I was not inside but I could see in through the windows and I could see the broken windows. I could see them throwing the fish tank onto the ground and smashing it so the broken glass got there that I had to pick up. Just behaviour that you wouldn't believe.

MR. ELIEFF: Q. Do you, John, recall when I show you apartment 44 next to you?

A. Yes I recall that.

Q. Did you saw it through?

A. Pardon me?

Q. Did you saw all of the damage? What did you see?

A. It was so badly trashed and damaged that it belongs in a science fiction movie.

Q. What was damaged?

A. Everything. It would be better to say what wasn't damaged. All the doors were smashed. There was at least a thousand beer caps on the floor. The floor was gouged out, the tiles were ripped up, the plumbing fixtures and lighting fixtures were all ripped and destroyed. This apparently was Canadians, you know, white, Anglo-Saxons, Protestants, in this particular case. So it is not - there

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seems to be a kind of influence of destruction that is not unique to any particular genetic group.



That's all I have, but I have seen I have speculated that this must be - just for fun to ease my mind - I have speculated that this place must be built on an old Indian burial ground where there is evil spirits making people do things.

THE CHAIRMAN: Speculative?

A. Speculative just to ease the tension, yes because it is really strange the way this place gets picked on, you know. And it happens that it is predominantly Cambodians who live there, so if you try to refer to them you are automatically making discriminatory statements. You know, it is really difficult to walk the razor's edge of referring to this group of people and their habitual behaviour without making a discriminatory sounding statement when you are just trying to refer to facts.



MR. ELIEFF: Q. In your opinion do you believe, John, it is good idea if I ask all of us here to go and inspect those two buildings, including apartment 44 and apartment 18, the tenant that has been accusing me? In your opinion, is it fair of me to ask that everybody go see on the spot? I remember you one time asking me, that's the way it should be.

A. Well I don't really have enough information.

. Pipe - in-ch.

about the modus of this hearing to know whether that's a good idea, but I can say from people I have talked to outside of the situation, they don't really understand what is going on unless they see it, and even when they see it they don't believe it. I mean, you have to live there - there is a certain flavour of why is this happening and why is the landlord getting accused of things when he is being put in a position where it would be almost impossible for him to keep up to standards. It is a feeling, like I said before, of someone trying to blow up a tire with a hole on the other side. And he's being reprimanded or whatever for not being able to hold this tire up when the hole is not being patched in my opinion.

Q. Have you been telling those kids, "Don't play here, play at the school or park area"?

A. Yeah, I have mentioned it to the kids but they just ignore me.

Q. What the kids have done to my property's lawn, lawn area?

A. Oh the lawn is completely been made barren just by the pressure of numbers, the herd of rambunctious children constantly going back and forth, have laid it bare so to speak.

Q. Is the landlord in power, or does the landlord have a power to discipline these children?

. Pipe - in-ch.

5 A. I would - in my opinion and speculation I would say no. It would be very difficult for anybody to overnight change the situation by a suggestion.

Q. If you, as cleaner, or me as landlord, got no right or power to do that, then who is supposed to do it?

10 A. Well in my opinion it seems that it would be the parents' place to furnish such instruction, and I've seen no evidence of instruction.

15 A. Does the parents need to now English or another language to be able to tell the kids how they supposed to behave with throwing garbages and the rest of the stuff?

20 A. I don't really understand the situation because these people - there I go again, referring to you know a group. The people involved in the situation can put themselves in a completely civilized manner in every other place. It is just this one property that gets picked on. I don't understand why. It is not like somebody doesn't have the concept of garbage. It is not like that because obviously they do elsewhere, at the school, at the church.

25 THE CHAIRMAN: Have you spoken to any of the parents in French about this problem?

A. No I have refrained from discussing this problem.

30 MR. ELIEFF: Q. In your opinion do someone

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have to tell the parents ...

5 A. I haven't really felt it my place.

Q. To teach their children, or in your opinion you think someone has to tell the parents to teach the children not to throw garbage and noises and damages? Does someone have to tell the parents to do that? Or do you think it would be something that ...

10 A. I think what you are trying to get at is, how could you be protected from the law by this type of behaviour, because yes, you couldn't pin it on any particular parent. How could a landlord in this situation be protected from this type of wanton destruction? You know, how could you bring the mechanisms of our society to put pressure into this situation to bring it up to par, to minimum standards? I don't see how. You can pick on one landlord but a whole group of people that are failing to instruct their children, you know, it is an inequitable situation. There is a failure of discussion at some point, a failure of communication somewhere.

20 Q. Thank you, John. You have said enough.

THE CHAIRMAN: Counsel?

CROSS-EXAMINATION BY MS. SANSON:

30 Q. I just want to clarify some dates with you. You said, last May, so was that in 1992?

A. Correct.

THE CHAIRMAN: Sorry, is that the date ...?

MS. SANSON: May of 1992 when ...

A. When I moved in.

MS. SANSON: When Mr. Pipe moved in.

MS. SANSON: Q. And then it was in the summer,
it was June, July and part of August?

A. That's also correct.

Q. And then you stopped doing it?

A. Correct.

Q. Has anyone been hired to replace you?

A. Not that I know of, however; I have seen
certain people trying to pick up garbage.

Q. Have you ever been a superintendent before?

A. Never, no.

Q. Have you ever been a landlord before?

A. No, never.

Q. Do you have any idea how many full-time, on
time staff that an apartment building would have generally?

A. No, not really.

Q. Tell me who is there taking care of things
right now full-time? Anyone?

A. As far as I know there is a superintendent
and ...

..... Pipe - cr-ex.

Q. Who is that?

A. It is the gentleman behind us. I don't know his name.

Q. Who? The superintendent is here in the room? Can you point him to me? Do you know who it is?

A. I don't know who the superintendent is. I have never seen him.

Q. You just said there was someone in the room.

A. Well I assume.

Q. And who was it? Can you tell us who you assumed it was?

A. This man back here who was another witness.

Q. He is the superintendent?

A. Yes but I don't know if that's true.

THE CHAIRMAN: Just for the record, Mr. Pipe is identifying Mr. Ackworth. Go ahead.

A. I was told he was a former superintendent.

MS. SANSON: Q. Who is the superintendent then?

A. Pardon me?

Q. Who is the superintendent?

A. I don't know. I haven't had any dealings

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Q. There hasn't been anyone around?

A. Why should there be? I have lived in other apartment buildings where I have never seen the superintendent.

Q. So there is no one there that you know of that looks after the building?

A. There is a superintendent, yes.

Q. Who?

A. I don't know who it is. I am only a tenant, I am not involved in that.

Q. Well you seem to have a pretty good idea of the condition of the building.

A. Sure I see what I see in my daily life, but I don't interact with the staff. I have lived in other apartment buildings. I lived on Fanshawe Park Road in Rick Spence's building. I never saw the superintendent once and yet I was still able to walk around and eye-witness what was going on. Whether I see the superintendent or not does not implicate whether I can eye-witness things or not.

Q. Oh, I don't dispute that you can't eye-witness things but I

A. You were trying to.

Q. What I am asking you is, you don't even know who the super. is? You don't even know whether there are people there looking after the place? There is not one person

. Pipe - cr-ex.

you can name to me that is looking after the place full-time?

A. I don't know the name of the superintendent and I have lived in many buildings.

Q. Have you ever seen somebody looking after the place?

A. Yes.

Q. What does that person look like? Is it anyone in this room?

A. I have seen the owners of the building.

Q. Anyone else?

A. On a regular basis, no.

Q. How often are they there?

A. Every week.

Q. How often, how many hours?

A. I don't count, I don't know.

Q. No idea?

A. No I don't.

Q. No estimate?

A. I am not here to make estimates. I am here to give eye-witness reports.

Q. Okay, so you were there for three months picking up garbage? Is that right?

A. That's correct.

Q. And you stopped doing that?

..... Pipe - cr-ex.

A. That's correct.

Q. And nobody has replaced you to do that?

A. That's correct.

Q. Is there anyone washing the floors?

A. Yes.

Q. Who is doing that?

A. The owners.

Q. When?

A. I'm not familiar with their schedule.

Q. You have no idea how often they are there?

A. That's not my job to keep track of their schedules but I know they do, do it.

Q. Do you have any children?

A. No I don't, I'm single.

Q. Are you an expert on parenting?

A. No I am not an expert on anything.

Q. Are you aware of any of the problems of the building, the structural problems/

A. No I am not.

Q. Are you aware of any of the ...

A. I am aware of some of the cosmetic problems.

Q. Would you like to describe them?

A. There's some plaster chipped away, there's

. Pipe - cr-ex.

certain windows broken. That's all I know about it.

Q. That's all you know about that?

A. Yes as far as the structure.

Q. Have you ever been into any of the tenants' apartments?

A. No.

Q. Just the one that Mr. Elieff showed you?

A. That's correct and also, my own.

Q. And your own?

A. Yes.

THE CHAIRMAN: Are you aware of any sewage problems?

A. No I have never experienced any sewage problems.

THE CHAIRMAN: Any problems with cockroaches?

A. There was and that was cleared up with a spraying.

THE CHAIRMAN: When was that?

A. I am not sure exactly, a couple of months ago or something. That was when Susan Eagle and the tenants' committee came around and gathered evidence to suggest to the landlord that he needed to do another spraying.

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

MS. SANSON: What I have got here by way of

. Pipe - cr-ex.

document is the Dillon report. It was done September 20th, 1991. It is a preliminary building condition report of 75, 85, 95 and 105 Cheyenne Avenue and this is of all of the buildings. I am going to let Mr. Elieff take a look at it first.

MR. ELIEFF: This is city engineer department, to allow them to build up.

MS. SANSON: Okay, city engineer?

MR. ELIEFF: Right.

MS. SANSON: Q. Would you just read that out loud?

THE CHAIRMAN: Just before you do, who authored the

MR. ELIEFF: You don't get to read it, John. That's not why you are here.

A. That's true.

MR. ELIEFF: Don't read it.

A. I won't.

MS. SANSON: Dillon Engineers.

MR. ELIEFF: You are not expected that.

A. That's right.

MR. ELIEFF: Give it to her.

MS. SANSON: Q. I am just asking you to read this.

ZORANCO ELIEFF: Why don't you read it?

. Pipe - cr-ex.

A. I don't know why I am being asked to read this because I am only here as a witness and I have no expertise in this field.

MR. ELIEFF: Right.

THE CHAIRMAN: Ms. Sanson, could I just see that document?

MS. SANSON: Certainly. I have the full report here.

THE CHAIRMAN: It was submitted to the City?

MS. SANSON: Yes it was.

THE CHAIRMAN: Did Mr. Partalas have it with him when he came as a witness?

MS. SANSON: No.

THE CHAIRMAN: I am not going to allow this to be read because it is a means of getting evidence in that should be brought in as an exhibit.

MR. ELIEFF: Right on.

THE CHAIRMAN: It is dated September 20th, 1991 and I think if you were going to use it as an exhibit it would have been helpful to call the author of the report, or have it somehow verified by I have some difficulty in allowing it in at this time because you have put in your evidence, unless the other side wants to accept it as evidence and if they have no objection to it, I would allow it.

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MR. ELIEFF: For sure not, sir.

MS. SANSON: It is merely relevant to the issue of the hole on the other side being a lot bigger than garbage on the ground.

THE CHAIRMAN: You could put it as a relevant question, and you have to Mr. Pipe

MR. ELIEFF: Right.

MS. SANSON: Q. Are you aware of the history of the problems?

A. No I am not.

Q. You are not?

A. The only thing I am aware of is what I have been an eye-witness to personally.

Q. Okay.

A. Which is the wholesale and continual destruction and garbagification of the property.

Q. Okay, I have heard your characterization of that and I ... have

A. That's all I know about. You can ask me about anything else but that's all I know.

Q. Can I ask you about that then?

A. Sure.

Q. I would like to hear your specific incidents of how many times you saw somebody kick a window in.

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How many times have you seen that?

A. Three times.

Q. You eye-witnessed three times ...

A. That's correct.

Q. ... somebody kicking in a window?

A. Yes.

Q. Anything else that you can tell us you have eye-witnessed?

A. I have said everything I could possibly say. I could add details.

Q. When did you see this window being kicked in the first time?

A. Sometime between May and now, during the summer. I do not recall the specific date.

Q. Do you recall what time of day it was?

A. One time it was in the evening, one time it was in the morning. The other one I don't know.

THE CHAIRMAN: Ms. Sanson, do you mind if I ask the witness a question?

MS. SANSON: Certainly.

THE CHAIRMAN: Mr. Pipe, you indicated that you saw the ad for the apartment in the paper.

A. No, I saw the ad in the window of the landlord's submarine shop.

↑ this is another reason for SUB-SHOP PROTEST

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. Pipe - cr-ex.

THE CHAIRMAN: Oh I see, okay. And then you went in and spoke to

A. That's correct.

THE CHAIRMAN: And did you then view the apartment?

A. Yes. He gave me the key ...

THE CHAIRMAN: Yes?

A. ... for a deposit of \$20, which I took the bus out and checked the place out.

THE CHAIRMAN: You put in a deposit of how much?

A. \$20.

THE CHAIRMAN: At the submarine shop?

A. Yes, to cover the key, so I would bring the key back..

THE CHAIRMAN: Okay and then you went out and saw the apartment?

A. Yes.

THE CHAIRMAN: And after that?

A. I came back and made an agreement with him to take the place.

THE CHAIRMAN: Did you pay first and last months' rent?

A. I paid first and - I didn't have all of

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. Pipe - cr-ex.

last month's - that's one of the ways in which Mr. Elieff helped me out at the beginning, to allow me to pay that up gradually. I didn't have enough for both first and last months', which is one of the reasons why I took the place.

THE CHAIRMAN: Having viewed the apartment, what was the - can you tell me a bit about the condition of the apartment when you viewed it?

A. Yes, the condition was substandard. The tiles were missing off the floor, I mean not missing but they were loose. The paint was not finished on the ceiling and the oven was not clean. Other than that it was acceptable.

THE CHAIRMAN: Were the appliances in working order?

A. Yes they all worked.

THE CHAIRMAN: Was there any evidence of cockroaches?

A. Yes there was a definite cockroach problem at the time.

THE CHAIRMAN: And what was the condition of the bathroom?

A. Nothing unusual, no.

THE CHAIRMAN: And did you notice the window frames?

A. There seems to be a little structural

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. Pipe - cr-ex.

5 damage of the plaster. You know, this is a place where
personally I would complain about the standards, you know in a
normal situation. The reason I came here to testify is because
I noticed a situation where even if a landlord was
10 hypothetically eager to keep up standards, in this situation I
just want to say my two cents' worth, that it would be very
difficult to do so because I feel there is a drain on his
resources. That's the only thing I wanted to say. That's all
I have to say.

15 MS. SANSON: Q. You are not an expert in
building?

A. I am not an expert in anything whatsoever.

20 Q. Did you sign a petition asking the city to
authorize the demolition of the building?

25 A. I signed a - I may have signed a petition
when the tenants' committee came around. I can't recall what
it was for. I think it had something to do with demolition.
It was explained to me at the time and at the time I agreed
with the principles involved, so I went along with it, but I
put it out of my mind. I have had a lot on my mind since and I
have forgotten what it was about.

30 Q. And in one of your conversations with Susan
Eagle did you express concern about the cockroaches?

A. I may have. I don't recall really. We

. Pipe - cr-ex.
re-ex.

discussed it. There was no doubt there was a problem.

5 Q. Did you express fear to her that you would
be evicted if you complained to the landlord?

A. Certainly not.

Q. Are you sure about that?

10 A. Yes. It is almost impossible for me to
imagine that I would have said something like that and then
forgotten that I said it, because I never felt that way.

MS. SANSON: Those are the questions I have.

15 THE CHAIRMAN: Ms. Hon, do you have any
questions?

MS. HON: No.

20 THE CHAIRMAN: Any questions in reply, Mr.
Elieff?

RE-EXAMINATION BY MR. ELIEFF:

25 Q. Would you try and describe me as the kind
of person and landlord I am?

A. I think I already did that at the
beginning.

THE CHAIRMAN: He has already answered that
question.

30 A. Like I said, you have been fair and
equitable with me under all situations.

..... Pipe - re-ex.

Q. Do you believe

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THE CHAIRMAN: If there is a question that has arisen out of the other questions you may ask that now.

MR. ELIEFF: Q. Do you have to be expert on anything, John, to see all that you told us you saw? Do you have to be an expert?

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A. The more you are an expert on something the more meaningful your witness will become, however; I am able to state what I saw with my own eyes and that's all I came for.

Q. So in your opinion all of these accusations coming to me from outside are fair or unfair? What would you explain?

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A. I am no expert in this but my personal feeling is that it is slightly unfair under the circumstances. That's why I am here. Usually I am on the tenants' side in these situations, usually I am screaming at the landlord. I just felt a certain unfairness here where, like I said, it would be very impossible for almost anyone to keep up the standard with the drain on the downside, so I wanted to give my two cents' worth. I am no expert on anything, that's just what I wanted to say and I have said it a hundred times.

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Q. Thank you very much. You have said enough.

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THE CHAIRMAN: Just before you leave, how much do you pay in rent?

. Pipe - re-ex.

A. 420 a month.

THE CHAIRMAN: 420?

A. That's correct.

THE CHAIRMAN: Is that the going rate for that apartment?

A. I have no idea.

THE CHAIRMAN: And have you paid that right since May?

A. Except for the deductions I got during my time worked.

THE CHAIRMAN: I see, so for the three months, June, July and August you got a reduction?

A. That's correct.

THE CHAIRMAN: And just to refresh my memory, how much was that reduction?

A. I haven't mentioned it before.

MR. ELIEFF: But I got objection.

A. No, it depended on how much time I put into it. It was between 50 and \$100.

MR. ELIEFF: I object those things, sir. Even though it come from you I object them. That's not why I am here.

THE CHAIRMAN: I hear your objection but the Board can ask any question at any time and I believe it is

. Pipe - re.

relevant because it deals with the issue of credibility.

Thank you, Mr. Pipe.

A. Thank you.

MR. ELIEFF: And my little comment if I can?

THE CHAIRMAN: Go ahead.

MR. ELIEFF: To all of you. If the Board or you, sir, are going to question his credibility on this stuff, then it should come to my advantage because if you think I am doing something unjust, look at him. He is so much trying to save me out of this unjust proceedings. So think about that.

THE CHAIRMAN: No I haven't drawn any conclusions about the credibility.

MR. ELIEFF: Okay.

THE CHAIRMAN: I felt the question was a fair one. Do you have any other witnesses to call before yourself?

MR. ELIEFF: I could bring another 16, but I will bring them on my next court when I get to sue everybody.

THE CHAIRMAN: That's kind of you to save that for the next one. It is now five to 1:00. I suggest we take a lunch break now after which we will hear your evidence, Mr. Elieff. I am just looking ahead. How long do you think you will take to give your evidence?

MR. ELIEFF: I don't want to lie anybody because how do I know? I have everything written here what I

.....
have to say. This will probably make me like bullet shooter so
5 I will probably get rid of all that fast.

THE CHAIRMAN: If you remember, yesterday I
explained the difference between argument and your evidence.

MR. ELIEFF: I have stuff to argue and stuff,
10 my sayings, all about it. What I have seen, what I have done,
what I haven't done.

THE CHAIRMAN: How long do you think that
evidence will take?

MR. ELIEFF: I don't know, I would like to go
15 read everything down and this will go a lot faster than if I
just think and talk.

THE CHAIRMAN: And that might take an hour?

MR. ELIEFF: And then from time to time I
20 hope, I believe so. Then I have to hand some of my - exhibits
or whatever you call them. That will be pretty well all that I
have to say.

THE CHAIRMAN: Ms. Sanson, how long do you
25 think you will be on cross?

MS. SANSON: We will be a long time I would
imagine.

THE CHAIRMAN: It looks like we will not get to
30 argument by 4:00 o'clock. We will have to set another day.

MS. SANSON: I am wondering ... I am not sure

. Elijah Elieff - in-ch.

if I will get to cross today.

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THE CHAIRMAN: I would like if possible to finish the cross-examination today.

MS. SANSON: I don't want to be hurried. This is the witness who has the information, this is the person who is responsible. If we can't get to it today

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THE CHAIRMAN: Would it be impossible or very difficult for anybody to continue past 4:00 o'clock?

MR. ELIEFF: Since she is saying she doesn't want to be in a hurry, then this gives my right to say maybe I won't be in a hurry either.

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THE CHAIRMAN: You can take as much time as you need, Mr. Elieff.

MR. ELIEFF: Otherwise won't be fair.

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THE CHAIRMAN: Would it be difficult for anyone to continue past 4:00 o'clock?

(DISCUSSION OFF THE RECORD)

R E C E S S : (1:00 p.m.)

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U P O N R E S U M I N G : (2:00 p.m.)

ELIJAH ELIEFF: SWORN;

EVIDENCE IN-CHIEF:

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THE CHAIRMAN: Mr. Elieff, because you don't have counsel representing you, it is always a bit awkward to

. Elijah Elieff - in-ch.

5 have you give the evidence, but I will try and guide you as you
go along and I will interrupt you if it is inappropriate or
....

10 MR. ELIEFF: Yes, that's okay. Before I
started to rent my company's apartment buildings to any
foreigners or coloured people or refugee or anything, I
remember one day my son brought me from his school - how they
call it - award for being loveable to the refugees who just
start coming, especially the Vietnamese boat people.

15 THE CHAIRMAN: What year was this?

ZORANCO ELIEFF: That was when I was in grade
IV or grade V.

MR. ELIEFF: Whatever was the grade.

20 THE CHAIRMAN: Could you just repeat the date
for the reporter?

MR. ELIEFF: What year?

MS. SANSON: This is Mr. Elieff's evidence. If
you don't recall, you don't recall.

25 MR. ELIEFF: Probably I believe it was
sometime in '85.

ZORANCO ELIEFF: It wasn't in '85. I was in
grade IV.

30 MR. ELIEFF: Or '84.

MS. SANSON: I'm going to ask Zoranco to be

. Elijah Elieff - in-ch.

excused from the hearing if he is going to continue to interrupt and give evidence.

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ZORANCO ELIEFF: This is my friend from grade IV.

THE CHAIRMAN: Off the record.

(DISCUSSION OFF THE RECORD)

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MR. ELIEFF: As I said, before I started to rent to any of these Asian refugees, and I believe it was sometime early '85 or late in the fall of '84, but my point is what I am trying to make is before I start renting my place, one day my son came from his school with an award that says, "For being a non-racist" - how to say, loving person toward any races or He brought that and with him, he attached himself with one of the Vietnamese boys going to the same classroom as he went, and they are still best friends even this day. So my point is that I was very happy with it and I pat him on the back, as a little boy, a son of mine, for being so nice to this immigrant that was just coming. And I was hearing on the radio and t.v. evening news asking us, this government of ours, "Please anybody who can help out these refugees, boat Vietnamese people, who we want to bring over instead to be dying in the sea". What they were showing was boats, some was sinking, some this and that, and I encouraged my family happily to let's see what we can do about it. That was one of the

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. Elijah Elieff - in-ch.

reasons which I opened my apartment buildings especially to them, and because the superintendent I inherited when I bought the buildings was very much against the coloureds and racist, and it made me even more eager to go and keep bringing more and more of them, even though, as I can say what consequence I have had to suffer. So I am only asking this Inquiry Board if you want to take a look at the pictures and either keep them as exhibit, but I am proud of my son, or just see them and turn them back or whatever you decide to.

THE CHAIRMAN: Well if Ms. Hon and Ms. Sanson have no objections to these being made an exhibit

MR. ELIEFF: I am only trying to point out that I am very proud of my son, very good friends with the Vietnamese or Cambodian people.

THE CHAIRMAN: Would you have any objections to that being introduced as an exhibit?

MS. SANSON: Could we just see the picture?

THE CHAIRMAN: Sure, sure.

MR. ELIEFF: Yes, yes, this is just to start, to introduce what was my behaviour and my family's behaviour toward Vietnamese or any other immigrants.

ZORANCO ELIEFF: That was taken on graduation day a year ago.

THE CHAIRMAN: I see no problem in this being

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. Elijah Elieff - in-ch.

entered as an exhibit. The weight it is given

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MR. ELIEFF: I only want to show that I am proud of that.

THE CHAIRMAN: That will be exhibit number eight.

EXHIBIT NUMBER EIGHT: Two coloured photographs

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MR. ELIEFF: And I have been proud of that for eight, nine years.

THE CHAIRMAN: Please go ahead.

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MR. ELIEFF: First of all, all of these accusations here, all of these accusations I deny them and to me they are all false and not true, all of them, which I will go later on.

After some 14 years me working at Ford, St.

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Thomas, very hard work, double shifts, as a good Canadian, newcomers and hard working person, myself, I was able to save some money, which money I used to buy the two buildings on Cheyenne, 95 and 105. At the time I didn't know anything about being

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landlord or owning any property like this, since I came from former Yugoslavian Republic of Macedonia where I been suffering under Communistic system. So finding myself here out of

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Yugoslavian Republic of Macedonia in this nice Canada I went hard working and I was appreciating so much of the system in this country by means of welfare, unemployment, churches being

..... Elijah Elieff - in-ch.

nice, helping everybody around; but to me, as I was raised by a window mother, Christian widow mother in Evangelical Methodist church run by

REPORTER: Could you repeat that?

MR. ELIEFF: I was raised by a widow mother who lost her husband in the war time.

THE CHAIRMAN: It was the name of the church. Is that a church?

MR. ELIEFF: The Evangelical Methodist Church and the main office is from Switzerland. It is the Evangelical Methodist Church. So I grew up with this widow mother since I was five years old and I remember one wintertime being surviving on grass roots because there was snow and nothing to be found. And that was my start of being young child.

When I went 20 years old I served two years with Tito's army operating all the tanks and tractors good in that field, and I was raised by the General Yugoslavian Army then, Alexander Gosnjac, but all of that was nothing to me because I was church raised, church-going, and I never joined Communistic system or the Party, which I was always pressured into, and I was suffering because of it. I was never able to get good job even though in the army I was instructor in teaching other people mechanics and operating all the army machinery and vehicles in that Communistic country. But

now suffers the same thing: the collective's control of his property

. Elijah Elieff - in-ch.

5 because I never joined the Communistic Party and I was never
 successful, one of the reasons why I find myself in this nice
 Canada. So after some 14 years at Ford as I said, and I saved
 some money and invested them in 95 and 105 Cheyenne. We, me
 and my family, as kind of new Canadians, foreigners with poor
 English, and so on at that time all of the tenants were
 10 white Canadians. The superintendent by the name of Glen
 Albright, which I inherit as I bought the buildings, at one
 point told me this, and I quote, "Elijah, I see you as a new
 owner now and I see you are a foreigner and one thing I want to
 15 tell you as superintendent here for ...", I don't know how long
 he said at that time it was, "... most of the tenants here,
 Elijah ...", he said, "... are my friends. And what I want to
 say to you, Elijah, don't you dare ever rent any apartment to
 20 any coloured person, any foreigners of any kind". To me all of
 that was very shocking and very discriminating to hear. So
 because he said if I do, most of them will leave the place and
 I was scared if they do I won't be able to keep up with my
 25 bills, so I went along for awhile with his idea. As
 superintendent he was allowed to do almost everything, taking
 care of everything - renting the place, collecting rents and
 everything, complete job. And so I let him work continually
 the way he's been running the place.

30 But then what I find out not long after that,

..... Elijah Elieff - in-ch.

5 there were at all times two or three empty apartments and
supposedly he would fix them up and then he would rent them out
for me. They were not getting rented even though I see people
interested to rent the place out. And yet he was authorized
himself to order as much paint as he wants and everything else
10 from the Ideal Paint Company, Wellington South. What I found
him doing was he was painting, using my company paint, painting
somewhere else and cashing the money in. At that time I
changed my mind of his view not to rent my place to anybody but
whatever he approves to. Those two or three empty apartments
15 that were at that time, I took myself, went into them and did
repair them and paint them up, fix everything up and the two or
three apartments I very happily rented them out to Vietnamese
families. When that superintendent of mine at that time saw
20 that I already brought in two families, Vietnamese, he went
crazy.

THE CHAIRMAN: Mr. Elieff, just before you
proceed ...

MR. ELIEFF: Yes.

THE CHAIRMAN: ... when you are giving your
evidence it's all right for you to speak of what you observed
and how you found somebody, but try to avoid repeating anything
someone else said. You can say, "We had discussion and my
30 impression was ...", or "I observed and his reaction was ...",

. Elijah Elieff - in-ch.

but you can't repeat what someone else says. Just try and avoid that.

MR. ELIEFF: Okay. So he went very upset, very mad. He didn't like it at all and then the way he started to continue with his superintendent job was he would turn the outside lights on by day and shut them off by night. When that happened I was forced to get the box from laundryroom through the wall inside the furnaceroom so he could not get access to play this kind of games. All of a sudden I saw the hall doors, which were perfectly fitting around being forced and start kind of wrecked, which I assume something - I assume it was him or some of his fellow friends who wouldn't like the idea of me starting to rent my place to Vietnamese or Cambodian families.

When this kind of thing start to appear, doors being cracked, break or bended, and a few others, some damaging started to happen which didn't happen before I started to rent my place to Vietnamese and Cambodian families. So as soon as I suspected that he was doing it I at one time, I went at his place, apartment 28, and asked him to hand out to me all of the keys, all the receipt books, everything that he has got in possession as a superintendent and told him that I will take over his job myself; and that he can stay as a tenant or he can go. But because he refused to go in the next month, pay his rent so he can stay a tenant, I hand him the note that I want.

. Elijah Elieff - in-ch.

5 him moved out. He did not move out. I contacted my lawyer and
 he took actions against him as a landlord trying to evict the
 superintendent who wouldn't go. All of that cost me lots of
 money, in fact some \$1,500. Finally in his argument to keep
 staying in the place - at the same time I gave him a rent
 10 increase and he would not honour it and I have to argue about
 this to the courts, but I had witnesses who testified I did
 give him a proper note. All of this caused him to get his
 eviction by the judge; and finally, he left. He left but he
 had probably four, five or more tenants that were buddies, good
 15 friends, who still stayed behind. Many times the same man
 would come back saying that he is visiting his friends when in
 fact he was partying with them, drinking, noisy makings and
 causing damages.

20 Some time at that time a young lady came to me
 and said, "Hi, Mr. Elieff", some girl, she knows me and my name
 and everything through someone else. She said, "I am 16 or 17
 year old". She was Canadian, and she said, "Mr. Elieff, I can
 25 only see with one eye, I cannot see with one of my eye. I am a
 single mother and I have one little boy, four years ...", or I
 don't know what was his age. She said, "If...", she asked me
 if I had one bedroom apartment for her, that she needs it right
 away desperately. I never ask her who she is, where she comes
 30 from, nothing. All she told me, she is on Mother's Allowance

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 or welfare, I don't recall and she needs it right away, and
 therefore; I went brokenhearted and I show her two or three
 5 apartments, I'm not sure, but for sure I show her two
 apartments. Either was first floor or second floor, one of
 them, and one was on the first floor, apartment number 1 in
 10 105. She said, "Thank you very much, Mr. Elieff, for this
 first floor apartment. Because I cannot see with one of my
 eyes this is ideal for me and my kid", and I said, "That's all
 I want, you to be happy", and I give her the place. She rented
 it out, give her lease, she liked the place and she took the
 15 place. All I knew was just a single mother with a kid. In a
 few weeks after that I saw a few cats and she said she is baby-
 sitting them. When I went at the end of the month to check
 with my rent she opened the door. I asked for the rent, if
 20 she's got it, if she don't, tomorrow or the day after. When
 she opened the door when I knocked at the door to check my rent
 I saw about if not three, two dogs, one big, one smaller. They
 just come to the door. And she also claimed to be babysitting
 25 them. Further down the road I been seeing there a group of
 boys coming in and out, two, three, four, her age, young men,
 young boys. She claimed them to be her brothers visiting her -
 none of my business. And kind of noisy started and the tenants
 30 complain about them, stuff like that.

I have on the top of her, apartment number 9,

. Elijah Elieff - in-ch.

5 second floor, was a Polish family living which came through the
next-door church. The priest I think was a male priest,
whatever, he contact me on the phone at Richmond Sub., "Can we
meet?". So we meet. "We have a family from Poland coming",
they themselves saw number 9 and, "It looks good for us", so I
10 gave it to them very happily, a Polish family. Good, we can
kind of understand our Yugoslavic language. Then the same
church people came to me and said, "We have Hungarian family
supposed to come from the west end of the country". I showed
them apartment number 17, third floor. At that time they said,
15 "Is good", and so they took it. This Hungarian family, I don't
know if they stayed a month or two, very short, and then they
just left. I don't know where they went. I think they just
used first and last and then left.

20 So what happened was, I don't know how much
time went, three, four or six months, this tenant in number 1,
all of a sudden as I went for one month of checking for my rent
again, she said, "Look the place, Mr. Elieff. This is broke,
25 this is broke, look everything is ruined", and her apartment
was dog and cat waste all over the place - for me to go and see
anything else that she would have pointed me, I took so much
time to watch where I was stepping. And then, I for some
reason, called the Health Department myself. I said, "Would
30 you...", it was Mr. Brown. "Would you please go and check

. Elijah Elieff - in-ch.

number 1, see the place and then I will talk to you, but not before". So he went, he saw the place. He said this was terrible place, so messy, all of this animal waste all over and so much damage around. I was expecting the Health Department to tell her something, that if they have animals - I have nothing against animals, but they are responsible to keep the place clean because the people on the top, Polish family, start complaining to me because of so much smell going up in their apartment. Instead, Health Department to do something about it, to tell the tenant that they are responsible for some of it, if not for all of it, Health Department send me an order to have the place fixed and cleaned. They demanded me to have the place cleaned and sprayed and disinfected and stuff like that. So I can't take this kind of unfair stuff and I wouldn't do that. Instead of I give her a termination notice so we go to court and when I have to go to the court because this woman kept refusing all the way through the normal proceedings and we have to confront a judge concerning this problem. And so I found myself in front of Judge McArthur with the lady who was doing this services for me, which was Alma Kunder Services. She was doing these evictions for me, for my company. This lady, Alma said, "We have to go all the way, we have to go in front of the judge because we couldn't deal without with this lady". So when I found myself in front of Judge McArthur

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. Elijah Elieff - in-ch.

5 trying to argue why I want her evicted that lady called herself
a witness and the witness she called was Susan Eagle, and it
was me, first time seeing Susan Eagle. So I am listening to
10 this tenant of mine questioning to her witness. My argument
was all what was done in the apartment by the dogs and her
friends and everybody else, and this question of Judge McArthur
towards Susan Eagle is, "What you have to say as a witness,
because this is what Elijah is saying?". And very surprisingly
- I couldn't believe it - the lady I saw in the other side
15 saying, "None of that is true, Your Honour, there is no cats,
there is no dogs. Mr. Elieff have given that apartment to this
lady in the state the apartment is now." At that point Alma
Kunder said to me, "Elijah, we are dead ducks. Do you know who
this lady is, Elijah?". No idea, I don't know. " That's Susan
20 Eagle, she is social worker. She is this, she is that." We
are dead ducks because we got no witness at all, just me doing
this for you. And the result was Judge McArthur believed Susan
Eagle's sayings and judged it against me. And what Judge
25 McArthur said, "Because you, Elijah, have rented out a place
like this to this poor young lady, and because you refuse to
fix it up, at least this time when she say don't pay rent
before you fix it up, my order is to you ...", Judge McArthur
30 said, "She will stay there for free as long as you fix it up.
Don't fix it up for a year, she will be there for a year." So

..... Elijah Elieff - in-ch.

what I was forced to do unnecessarily, if this kind of
witnessing didn't appear, I was forced to hire professionals,
the guy with licenses for repairing stuff. And he did, went
through all of the repairs and I have all of the bills dated
that repairs are completed and I believe tenant was signed that
everything has been completed by the order - because we had an
order, what exactly needs to be done.

MS. SANSON: Did you bring that order today,
Mr. Elieff?

MR. ELIEFF: No, no I am just

MS. SANSON: I am going to be asking him for
it.

MR. ELIEFF: Okay. And that repair cost me
around \$900 done by professionals. Then, believe it or not,
didn't went two or three months the place was worse, in worse
situation. More damage was done, more damage was done, more
cat and dog waste had been piling up, and after two, three
months the same tenant said to me the same thing, "Look at the
place, I am withholding my rent. I won't pay until you fix".
And then I was forced to go through another proceedings of
termination notices and took another couple of months or so,
and again I have to stand in front of Judge McArthur - for some
reason it was the same judge. Again I am here with Alma, again
this tenant of mine was there and she had again the same
witness, Susan Eagle. And again after I present my

arguments...

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THE CHAIRMAN: Did you file that report in that court action?

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MR. ELIEFF: Everything was done legally with my legal personnel, okay. So we found ourselves again in front of the same judge and this time my argument was different as you can see. This time I told the judge what happened first time, and I told the same judge, "You believed that witness then. Now we got the same tenant, same witness, but only I have my receipts and documents to show you, Your Honour, that it has been repaired the way you ordered me to do with your orders". So he realized all of this, he saw all of the bills and he heard Susan Eagle again saying, "There is no dogs, there is no cats", but this time Judge McArthur did not believe that tenant witness. Therefore, he ordered her out of there, to pay the owing rents and to get the hell out of there, I think something like that. He was mad about it, Judge McArthur. And shortly after that the same tenant left overnight, disappeared. When I went to see, she was gone only the garbage was left. Even the bathroom bowl was used at least two or three times, if not with the same person - three person have been using it. It was smelling like hell. I didn't do nothing. Instead I brought Jack Burghardt and Mr. Caldwater from Engineering Department. Actually I was asking for Mr.

. Elijah Elieff - in-ch.

Gosnell, but Mr. Gosnell said he cannot make it but he will send his deputy, and he did send Jack Burghardt.

When I found myself in front of door number one, closed, with Jack Burghardt and Caldwater, I opened the door nicely and I asked Jack Burghardt to open the rest of the door and go to check the place. He opened the door, made a couple of steps and he almost fell down in my hands. Anyway I requested them to see everything and they did see with closed noses. So that what has been happening to me so far. It took me about one month to clean the place and to fix it back again myself, spending lots of money. And for that me and my family and my company have been holding, and still do, Susan Eagle responsible.

Now to us, she has been playing as if she the one who rent the place and we feel that she contributed a lot to us to find ourselves in the station we are in now. At the same time, about six or seven families - they were all Canadian families - all of a sudden said, "We are not paying rent because of the tap leakings, this and that", some mainly small repairs. And most of them won't let me or anybody repair them. Just to keep fighting that things are not repaired so that I will be forced to take them to court to sue them. Although this group of tenants, Canadian tenants, I with my lawyer, James Adams from Pensa Associates, have to fight those group of

. Elijah Elieff - in-ch.

5 Canadian families through the courts because they won't pay the
rents for small repairs. And at that time, before the
proceedings started my lawyer asked Judge McArthur, said, "Your
Honour, I believe before we start with these proceedings, all
10 the rents that haven't been paid to Elieff Investments, some
for six months, some for four, some for eight months, whatever,
all those rents I think is proper to be put in the court ...".

THE CHAIRMAN: Paid to the court?

15 MR. ELIEFF: Paid to the court. And then Judge
McArthur said, "True" and he asked the Legal Service lawyer,
who is of course free lawyer for the tenants, and their reply
was, "Yes, Your Honour, all the money are here", and so the
thing started. With the arguments many times Judge McArthur
20 said to these tenants, "What are you talking about, little tap
problem or little cracks?", stuff like that. "Even me, as a
judge, and in this age as a tenant, I would do something
myself", the way he was talking to them. So at the end Judge
McArthur make his decision on my behalf. In other words, he
25 told them to get the hell out of there, and then he said to the
Legal Services lawyer, "Of course the money has to go to my
lawyer and then to me". And within a short period of time they
all moved out, some overnight, some I saw moving, some I never
30 see moving. They all disappeared. Leaving behind those
apartments pretty much wrecked, damaged. At that time - I

. Elijah Elieff - in-ch.

5 don't know was at the same time or before or after - but the
superintendent, Glen, took the refrigerator. In other words,
stole very good fridge away and bringing in a very junk fridge
which I realize for sure and I sent police after, but the
10 police asked me if I knew the number, which I didn't took those
informations, therefore; I could not recover my good fridge
back. Later on I received a letter from my lawyer and I opened
the letter and in that letter was my lawyer's fee bill, \$5,200.
Then I went to his office and I asked him, "Could you tell me
15 the sum of all of the money that were deposited at the court
house, then take your fees out of there and give me the rest".
That was my question to him then. At that time he told me,
"there is no money because Neighbourhood Legal Services have
given the money back to the tenants contrary to the laws, Mr.
20 Elieff", he said. "Believe it or not", he said to me. Then I
asked him, "What now?". He said, "Here is a name of a lawyer,
I wish I could do it, who will act as a Neighbourhood Services
people, but I can't because we are the same Upper Canada
25 organization. Here is a name that is not in that, but is in
different group. You go see him; I 'll call him that you are
going there". So I went to that lawyer that he sent me over.
I told him everything. After he said, "Yes I can do it. Your
30 lawyer can't do it, but I can do it". And I ask him what he
can do, how much it would cost me, and he said, "Around four or

. Elijah Elieff - in-ch.

5 five thousand dollars, and I won't guarantee any success either
in receiving any money". Now I throw the big files in my
basement and the files are still there. I don't even know how
much money I supposed to recover. My lawyer took his fees, I
get nothing out of it and now I am asking this Board of
10 Inquiry, what kind of justice is this, what kind of unjust law
is there?

15 THE CHAIRMAN: Mr. Elieff, if I could just make
something clear, the Board of Inquiry has no jurisdiction to
look into those cases. This is not an appeal court, we cannot
review those cases.

MR. ELIEFF: Okay, that's okay.

20 THE CHAIRMAN: And I cannot comment on that so
I would appreciate it if you would just focus on those matters
that are relevant to the complaint that has been set out.

MS. SANSON: Could I just at this point ask for
a brief break?

THE CHAIRMAN: Yes, I need a break too.

25 MR. ELIEFF: I am doing this because I am not
good English speaking person.

THE CHAIRMAN: No, you're doing fine, Mr.
Elieff.

30 MR. ELIEFF: I am immigrant, foreigner. I wish
I know more English, better English. I wish I could speak in

. Elijah Elieff - in-ch.

Macedonian, very fast.

THE CHAIRMAN: Off the record for a minute.

R E C E S S : (3:00 p.m.)

U P O N R E S U M I N G : (3:10 p.m.)

MR. ELIEFF: After that, all of those tenants moved out leaving their apartments in bad condition and, and I repeat, we kept bringing more Vietnamese families, more Cambodian families. As we were bringing them, more Canadians would leave; they would just swear at me, say, "To hell with you, Elijah, how could you do this to us? You forced us to move out. We don't like this or that."

THE CHAIRMAN: Approximately what year was this?

MR. ELIEFF: That approximately started - I don't want to play with the dates but

THE CHAIRMAN: Just roughly?

MR. ELIEFF: I think in the middle of '85 I think.

THE CHAIRMAN: Sure, go ahead.

MR. ELIEFF: And believe me, sir, it was healing my soul and my heart as I was bringing more and more because I was really disappointed in the first place to hear what Glen, as Canadian, with his friends, Canadians, were so much opposing me to rent to any colour, race or foreigners; but

..... Elijah Elieff - in-ch.

5 because I am one of those and I was happily doing it. And I
 was so happy with all of my family. Every time I was to rent
 an apartment to Vietnamese or Cambodian family, I always was
 saying to them how much I liked them. I would say, "I like you
 10 people so much so, like I like my family, because long ago, not
 too long ago, I came from Macedonia". "Where is Macedonia",
 they ask me. "It is a Republic in Yugoslavia", then they know
 it and they were so smiling back at me, so they were
 identifying themselves with me and I was identifying with them.
 And I was so happy with the development of it, but at that time
 15 as these Canadians were leaving and I was bringing more and
 more Cambodian and Vietnamese families these Canadians it was,
 I am pretty sure, who were damaging over all my properties, the
 doors, the machines and this and that. And at that time I
 20 believe it was, in those times when I first time saw t.v.
 reporters, London Free Press reporters going around my
 buildings and who was sending them, I didn't know then, but now
 it is clear to me very much so that that's been Susan Eagle
 25 been behind this, sending them over I believe now.

Now many times when I was approached with
 reporter I was desperately trying to tell them, and asking them
 to tell my side of the story. They were always perverting my
 stories. I took one reporter, asked him to take a picture of
 30 the broken machines, the washers and dryers, and he did took

. Elijah Elieff - in-ch.

5 pictures of them; and I was so happy thinking that next day I would see those pictures on the Free Press with my sayings, which was, "Tell the Londoners and the readers of your paper how much I been vandalized. Someone has been vandalizing my place lately, making the life of these newcomers miserable".

10 Now, what I saw next day, I saw more picture of the machines, I don't recall, but what I saw, they put down in the paper, "Poor tenants have no machines to wash their clothes because Elijah, the landlord, won't fix them up". And that wasn't what I asked them to say on my behalf. I asked them to point out, let

15 people know that my machines are continuously vandalized. The door is broken, stuff like that. As I recall one of the Free Press reporters asked me, "How come garbage all over the place? Who is cleaning here? What's going on in this regard?", a

20 reporter asked me. What I said was, "I am a family person with three kids. I love children and my tenants have lots of children so I have to get credit for what's been going on. We do our best to keep it clean; kids are kids, they continue

25 playing around, continue throwing garbage". I never give harassment to any of the tenants or the kids. I been so loveable to them all over. I been asking the kids or their parents to keep an eye on control, and all the time those

30 parents would say, "Okay, we will do our best. We will try to do it". Many times they would say, "We will do our best but

. Elijah Elieff - in-ch.

5 the kids won't really listen to us". So I was always trying to
 be understandable, but instead of to get credit for being a
 good person and landlord, trying to keep up, even though I
 cannot keep up, but hate to harass people and go knocking their
 doors, "Look what's happening here, what's happening there", I
 10 been asking people who could keep up the clean-up as you heard.
 They all been giving up on it. I never said I don't like my
 tenants, instead I always like them and still like them and I
 will like them forever. That's not in my character to dislike
 people.

15 They were really nice to me and my family and I
 believe I was very nice to them, but this is a fact, with them
 came the cockroaches. We did not have any cockroaches before.
 I had never even seen one, and even though the cleaning lady
 20 and the superintendent at that time, Mr. and Mrs. Sucur, were
 trying to prevent me from starting to rent the place to Asian
 refugees, telling me that what they been hearing that wherever
 these Asians, there is cockroaches. I had never seen one, I
 25 never knew anything about it and it didn't bother me because I
 was so identifying with them as a people who were coming from
 other parts of the world the same way I came over. So what
 happened was, after I had quite a lot of Vietnamese and
 30 Cambodian families throughout my two buildings, and normally
 whenever I had to repair something or go for the rents, it went

..... Elijah Elieff - in-ch.

5 in practice with me and then usually mostly whenever I would go
 for my rent many of them would call me a few days earlier,
 "Take my cheque then, Mr. Elieff", "Here is my cash for the
 10 rent". I never - I always went to them asking them in the
 beginning as I was getting to know each of my tenants, I said -
 I kept telling them, "Would it bother you if I come a couple of
 15 days or three days to check about the rent?". Most of them
 said, "No it doesn't bother us". And most of them would give
 me post-dated cheque anyway and my explanation was, "I only am
 practising in this two or three days in a month, whoever
 20 doesn't mind to give out his cheque or whatever, so I don't
 have to do it in one day because I don't want disturb you so
 much in one day". You know, I just keep checking two, three
 days in advance and keep going two or three days after the
 25 first, and we have no problems. None of them told me anything
 why do it or don't do it. But when I ever see someone is not
 really happy to give his rent in advance, then next month I
 will not bother to go to that particular tenant; I will go at
 30 the first or the night before the first. What I am saying
 here, I went in practice, when I ever went for the rent,
 whoever told me something wrong with the apartment, water
 leaking or anything else, I would mark down on my piece of
 paper of the tenant names for the month of rent report paper
 and I would put down, "Number 2: water leak", or whatever it

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5 is, "Number so and so: this", and I would do my best to try to do these repairs, mostly after I am done with the rents. And I always, always told them if it is small leak, I would say I would try and come tomorrow, or sometimes if it is bigger leaking, I would say, "Right now". I would just stop going next-door for the rent and instead go down for my tools, fix them up, and go next tenant. What I am trying to say again, as I was going into some of these apartments of my Vietnamese and Cambodian tenants, in the beginning as I recall I would see first time when I see those cockroaches, I would see a

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15 cockroach behind the stove or the fridge, going up the wall. What I was doing in the beginning, I would point out to the cockroach of that particular tenant, whether it was his wife or both or the husband, and what was respond to me was most all of them would just smile back to me. I would ask, "What is this?", and they would just smile, none of them would say anything, you know, any reaction. And so I let it go for

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25 awhile you know, and then when these cockroaches started to go into the apartments of the Canadian tenants that were still there, that's when the bulk of cockroach problem started I am sure of it. And I believe those Canadian tenants went to Susan Eagle and complained and she went after sending those Health Department people to be done something about the cockroaches.

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In those times, in that year, someone was

5 sending, and that someone is Susan Eagle, because I was asking those reporters, "What's going on? Why so many orders for little things or not that important things, or whatever things are?". I would point out the next-door of mine, 75, 85, they've got the same kind of tenants, same kind of buildings, same construction exactly

10 THE CHAIRMAN: So are you saying that

15 MR. ELIEFF: And I was pointing out to them, "How come always with me with all those orders are those others in any better shape?". I was pointing out, and they say what was their response to me, "Yes, they are the same kind of buildings, they got the same problems, same tenants, but you have Susan Eagle after you all the time, Mr. Elieff", is what they been telling me, the inspectors.

20 THE CHAIRMAN: That's what someone else was saying?

25 MR. ELIEFF: The inspectors say to me why they would send all those orders because the tenant association led by Susan Eagle always was calling them, "Go after Elijah's buildings".

30 THE CHAIRMAN: I can't give that a lot of weight, Mr. Elieff, because that is a statement someone else has made. Let me just ask you about the work orders. You said that they started to arrive.

. Elijah Elieff - in-ch.

5 MR. ELIEFF: Yes because of the tenants leaving and moving out and leaving the place wrecked and damages.

THE CHAIRMAN: What year was this? What year did the work orders start to pile up?

10 MR. ELIEFF: They probably were '86 or '87, I don't know.

15 THE CHAIRMAN: And how were these work orders....

MR. ELIEFF: Because it took about a year or so as I filled my place with Cambodian and Vietnamese, it took a year or so before they complain about cockroaches.

20 THE CHAIRMAN: How were the work orders received? Did you receive them in the mail at your home address or at the apartment?

MR. ELIEFF: Some of them would come by mail, some of them would be handed out at my sub shop downtown, anyways, many different places.

25 THE CHAIRMAN: One more question about the work orders.

MR. ELIEFF: Yeah.

THE CHAIRMAN: What did the work orders relate to?

30 MR. ELIEFF: The city property standards officers would go through apartments from end to end and would

. Elijah Elieff - in-ch.

mark all the damages inside the apartments or in the common area, and most of those damages at that time were done by the tenants moving out and those tenants were Canadians at that time. And since I first started to rent my apartments to Vietnamese and Cambodian tenants people, even until today, I got no major complaint about them causing any trouble or damage to my properties, except those what the kids are doing or what they are doing regarding the position of the apartment, beds all over the place, hanging all over the heaters you know. But they have always been very nice, no doubt about it.

So I don't want to be taken wrongly, all of those turmoils and the troubles I accuse the moving Canadian tenants because of me renting to Vietnamese and Cambodian people and this is confusing that made me so unbelievable, and I still can't believe it, being misunderstood or whatever by people like Susan Eagle I would say, because they never really checked with me what was going on. Instead, she organized this and all complaints around and around and around, because what the London Free Press has been saying, you know to me, the tenant association of Cheyenne, led by Susan Eagle didn't do right things here. They made a big mess and they caused all of this misunderstanding to go around and me being accused wrongly. So again, at that time I was so happy renting my place to newcomers and the others were so mad, and those guys

. Elijah Elieff - in-ch.

would come back overnight, wreck my emergency system and break it again, break the machines, steal the money. At one point this is what happened. I hear a family, his name is Rick Touch, he is now in apartment 12, he

THE CHAIRMAN: How do you spell that man's last name?

MR. ELIEFF: Rick Touch.

ZORANCO ELIEFF: T-o-u-c-h.

MR. ELIEFF: T-o-u-c-h, yes. This tenant was living for quite sometime in number 7, first floor 105 Cheyenne, number 7. At one time as I went in the evening to check my properties he came to me and said this

THE CHAIRMAN: You are reporting to me what someone else said to you.

MR. ELIEFF: Yes and it is important. I was informed by him that he heard a noise in laundryroom, big noise. He said he went to check what's going on and there were two guys, one with pistol pointing out to his head, and the other one was stealing the money after the place in wreck and he told me that he called the police about it, and so that's what I am telling you. "They are white men", he said, "Not tenants of ours", they went to break those machines for the money and he was scared with the pistol. This tenant of mine, Cambodian - that's what I am saying. Again, all of the

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. Elijah Elieff - in-ch.

troubles at that time were caused not by my Cambodian and Vietnamese families as tenants.

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THE CHAIRMAN: Let me just interrupt you for a minute. The reason why someone else's statement can't be used through you is that, that person's evidence can't be tested here. For example, if you wanted that evidence in, the fairest way to go about it is to have that person come and make the statement so it can be tested by cross-examination, so it is better to

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MR. ELIEFF: It just came in my mind.

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THE CHAIRMAN: I realize that. I am just trying to repeat my caution to you. Any statement made by someone else who isn't here and can't be cross-examined is inadmissible and really it is unfair.

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MR. ELIEFF: Okay. Again, I am coming down to the London Free Press reporters that I was trying to point out to them all what was been going on in the properties of ours. And I was asking them to tell the truth to the Londoners and the other readers of the paper, but they all perverted my story. All of my sayings were perverted. One of them, as I pointed out machines being broken again, they said instead to say what I said, they said, "Elijah won't fix the machines and poor tenants got nowhere to wash their clothes", and this has poisoned my tenants as they read these stories, which are

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. Elijah Elieff - in-ch.

perverted. Again, all of the problems at the time were caused - were not caused by our Vietnamese or Cambodian tenants.

Furthermore, because of what the London Free Press did with their perverted stories and the pictures been taken here after the tenants have been organized and tenants making those protests against me and my family and my company, because of what the paper has said was completely unfair and unjust to me and my family. Because of all of that me and my family been paying consequences and suffering a long problems, even coming from many white Canadians who recognize us, especially at the downtown business that we have and saying to us whenever we have to serve someone with the subs, before we been making our subs, many of them would open the door and says, "Don't buy your sub here. They are putting cockroaches in them". And many of these people here would just leave and the half-made sub would stay behind. That is terrible what has been happening to us for something we haven't done or said. All of this is what the reporter has been saying and not me.

At the same time as I am now aware and see, Susan Eagle with our tenant Hon, have made a plan to go with untrue accusations which I have thrown in the garbage because that's where they belong. They are untrue and all lies and taken literally from the London Free Press reporters, whoever they were. Plus, Hon's accusation that of trying to get me

around that I was interested in her in a sexual harassing or
 any other way like that is bullshit and is not true because we
 were not able to keep up with the damages caused by the bulk of
 the tenants that been kicked out for the apartments, plus they
 are cheaply built buildings. If the buildings were built
 cheap, cheap mortar, cheap material, that cannot be blamed on
 the landlord. It can be blamed to City Hall, to city engineers
 who have authorized companies to build buildings where people
 supposed to live in, especially in our climate here. They
 shouldn't allow these buildings to be built with one glass door
 or windows. I have got what I bought and what I bought was
 already made, and who made it? All of this cannot be blamed on
 me. That is my feeling.

At that time I came to City Health and I talked
 to the Department of Engineering and Property Standards, all
 about the buildings. They told me the buildings are 16, 17
 year old and 16, 17 year old apartment building is not supposed
 to be old building so we can tear it down and build new ones.
 By now they are probably over 20 years old, which is still not
 old buildings, but if they were built cheaply - and at that
 time I asked them, "If those buildings were authorized by you
 to be built cheaply, if you think they been built cheaply, then
 whenever I qualify for government grants to go after and let
 them be brought up to this country's standards, I am willing to

do it, whenever that is ready. And I am planning to do some of
 it in the beginning of the next year, trying if I can get those
 free government grants, five, seven thousand per unit. I am
 going after this. If I can get it, I am willing to have them
 nicely repaired and for any tenant who needs the place". Even
 though those Canadian tenants at that time did it all, I am not
 against them. I like them all equally, and I am willing to
 rent equally to anybody who needs an apartment. So at that
 time I was doing my efforts to keep up with - in one way I was
 happy renting it to people in need, and from another way I was
 hurt so much by those who were opposing my doing business with
 my company's property. And at the same time I was hard pushed
 around by so many, with so much orders, and because what was
 happening, there were like two winds - I was bringing people in
 need, those who don't like them would leave, and the troubles
 were coming so hard on me. And instead I felt then to be
 recognized as person and landlord, what really am I doing?
 What really I was doing then, I thought I need some break, some
 credit for it; but instead to be appreciated, I was taken to
 court by City official standards because I couldn't finish the
 orders completely, and I wasn't able because of all of this
 that was happening to me, and they were unjustly proceeding
 with all the charges and I believe I was unjustly fined all
 those \$7,000 at that time. I am asking this Board of Inquiry

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. Elijah Elieff - in-ch.

5 to take a hard look at this, what was really going on then and happening. After this orders of repairs and I was trying to get the repair done I had a telephone call by Health Department asking me to go for meeting to talk about problem of the roaches. The first time

10 THE CHAIRMAN: What year was this?

MR. ELIEFF: ... I was contacted. Let me see if I can find it.

THE CHAIRMAN: If you find it later you can mention it to me.

15 MR. ELIEFF: Let me try to say it roughly. It probably was somewhere at the end of '87 or '88, around there, is when I was first contacted by Health Department and asked to go in their office on King Street to talk about the roach problem, and I went. When I went we met and we discussed about this roach problems and at that time I had A Pest Control. I had A Pest Control who was taking care of the bugs problems with those two buildings. A Pest Control was spraying once a month all the halls and the tenants, all of them knew that any problem, bug problem, not just roaches, any other bug problem, they were supposed to either call Pest Control, tell them who they are, their names and apartment numbers, and the problems that they have and these Pest Control people would do it right away for anyone at anytime, no matter. And so in regard of

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. Elijah Elieff - in-ch.

5 this other time, that was the situation. They been doing it
once a month, the tenants could have asked them. Whether some
of them asked or not, I heard some of my witness saying they
been asking, they been doing it, which is in harmony with what
I was told then, because I was paying them for it. So when we
10 talked about it I told them I had - there was no cockroaches
whatsoever in the buildings. A Pest Control confirmed that
they never heard of any roaches problem before, themselves
either until recently. And so I said to them, "There is no
cockroaches at all before. I have them almost all filled with
15 Vietnamese and Cambodian tenants, and we are having this
cockroach problem". And the head guy in the Health
Department - I don't know his name - pointed out, he said, "I
believe they are coming from overseas with their imported
20 foods". Some say this, some say that, trying to dig out the
sources and how they came around. I was just listening. I
never knew much about it. And then they said they need to
spray it professionally or to spray it with a special chemical
and it was going to cost me eight, nine hundred bucks. And I
25 asked them, if they do it will that be the end of it, and they
said, "No way. There is no cure about cockroaches, just to
control them", they say, "But let us do it right now and if it
doesn't work we will reply again in a few months and that
30 should last for a long time". So I agreed them to do it

because I agreed to pay the bill and they can do the job, they did it I guess nice and promptly. They noticed all of the tenants in advance for the date that they would do it and they told the tenants in writings - I believe in both languages, maybe in three language, Vietnamese, Cambodian and in English - and they were asking the tenants to leave all cupboards open, to make the place moveable around, to keep all windows and doors closed. And everybody to leave the doors open and everybody supposed to be out, out of the building because the chemical is no good for the health of the humans. So they did that and that first time of spray I had a few tenants who wouldn't co-operate with the Health Department, who will not open their door, and who were not sprayed.

THE CHAIRMAN: Did you speak to these tenants who were not co-operating?

MR. ELIEFF: I didn't know that they missed them because they did not co-operate, right. But I was only told by the Health Department who did it all, " But this and this tenant who were not done because they won't co-operate, they won't let us do it". And then I requested of them to make them be done, and they didn't do it. I know for a fact, for one was apartment number 4, 105, a Vietnamese family with lots of cockroaches. They won't let them spray. Then I was wondering, you know, how come they are not enforcing those

. Elijah Elieff - in-ch.

5 orders toward the tenants as much as they would enforce the
orders that are going toward the landlord. So after about
three or four months they call me. They say, "We have to do it
again", and at that time I did not agree. I said, "How much
will it cost me to do it?". " Maybe this time \$1,200 because we
10 are going to use stronger and better job done" . I did not
agree because it didn't make sense to me every three months
to - I was not able to spend that much money every three
months. I said, "With this a landlord cannot afford unless you
want to try - if the tenants want to cover the expenses". So I
15 was handed an order. When they gave me the order then I obeyed
the order. I said, "Okay, go ahead, do it". And they did it
and I paid twelve hundred bucks for it.

20 By this time we were also finding that the new
tenants that we been bringing in were the cause of some of some
of the damages that were appearing inside the building, inside
the apartments, and that was because they were living in over-
crowded condition, they were choking the livingrooms and the
25 bedrooms with beds, and the beds were right against the wall,
which was preventing our heaters from releasing its heat to
heat the room. So that's what they been doing and this was
causing more and more moisture on the windows and the doors and
moisture was ruining the paint and the plaster.

30 THE CHAIRMAN: Is the building heated by forced

. Elijah Elieff - in-ch.

air?

MR. ELIEFF: No, by hot water, hot water circulation.

THE CHAIRMAN: And are these hot water rads?

MR. ELIEFF: Just like that, small on the corner.

THE CHAIRMAN: On the baseboards?

MR. ELIEFF: Yes, like that and they were right on the top cupboard with those beds and this had no chance to release its heat through the room. Because of that they would bring in themselves electric heaters and our utilities doubled. They were more than double, more than double what I used to be paying before with old Canadian tenants. So they would turn on the electric heaters and many of them would open their windows and their doors a bit for fresh air, and so much of this kind of stuff was sky-rocketing my company's hydro and gas bills.

For some reason at one time I had an order and the order said, "Make sure all of the apartments' panels - each apartment have a panel with a big fuse that is especially for the stove, and six 15's that goes for the apartment fixtures". Many of these tenants, all of the tenants here - I am not saying Cambodian, Vietnamese or Canadians, all the tenants used to use bigger fuses than the one that is supposed to be used and that's 15's. Many would put 20's or 30's so that they can

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..... Elijah Elieff - in-ch.

run faster other fixtures through the apartment. And that was
 by the electrical standard unlawful because was overloading the
 lines which are not designed for it. And I was getting an
 order to make sure that is done, and I did. I went through all
 of the apartments, I did put - I took all the fuses out and I
 put inside a special rings that would only allow 15's to fit
 in, anything else won't fit. That's a special ring. So I was
 forced to buy those rings, to buy lots of 15's and to go
 through all the apartments and replace them, which I did. But
 if we go now over there, we will find most of them being again
 in mixed position, 20's, 30's, whatever, even though I told
 them, "I have an order, I have to do it. After I am done
 please stay with the 15's". They - all of them, they all
 disregard this orders, which are not mine.

Furthermore, what I found, especially with my
 Vietnamese and Cambodian families, which I love, honest to God,
 they would leave their lights on 24 hours a day straight and
 they would put 150 watt lightbulbs. Many times I would say,
 "This is too bright for you and your kids. Why would you do
 this, hurting your family's eyes and sky-rocketing my hydro
 bills?", but I was never successful to persuade them to keep
 the lights off by day, on by night. They are on 24 hours a
 day, including this apartment 18, Chippheng Hon, at all times.

THE CHAIRMAN: Mr. Elieff, can I just stop you

. Elijah Elieff - in-ch.

for a minute. Can we go off the record?

(DISCUSSION OFF THE RECORD)

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MR. ELIEFF: What my son just pointed out to me is that many of them would take those rings out so they can put back those big fuses again. And we wonder why they do that. Now what the tenants of mine - all of them - I won't say just

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Cambodian and Vietnamese - all of the tenants in this way concerning their children were not, and are not, doing their best to control their children. All of the children are causing the troubles, noisy and garbage throwings and

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everything else. This has been going on for all those years since I bought the buildings, kids throwing garbage, scratchings, noisy and you name it. But again, because I love kids I am never harsh to them, and I never want to be harsh to

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them. I want to be loveable to the kids, any kids anywhere; only I am getting burn out because of it. I am being accused, "Why the place is not clean enough, why the place is scratched and wrecked". My saying is, "I do my best and yet I cannot

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keep up with them and yet, I still love them".

Again, before I was encouraged by the next-door church and their people and the school for a small while that I thought things are coming up fairly okay, as from time to time the church people or school people - I don't know who were

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doing it - but I was seeing children with the bags and coming

. Elijah Elieff - in-ch.

around taking all outside garbage from my buildings and next
 two buildings and probably next. What was that? I really
 didn't went to check, whether it was school trying to tell the
 kids how they supposed to keep the area, you know, looking
 somewhat nice or whatever it was. But at the time when all of
 this trouble came up and me finding and seeing that Susan Eagle
 is the leader of the area, that discontinued. I wish never
 did. I wish this continued under her leadership, encouraging
 the kids to do something themselves to make the area they are
 playing around liveable and pleasant to their eyes, you know,
 and for all the rest of us. For all that has been done to me
 and my family and my company's property over there, whoever
 tenants or vandals who are doing it, I am saying that God is
 our avenger. We are nt interested in avenging, we are only
 crying out all what has been done to us and we are sorry for
 not being able to keep up, that's all.

A number of fridges have been stolen away as
 people move out. I can recall apartment 33, 28, 20, 39, just
 four of them that I know of, people moving out taking their
 fridges away with them. Apartment 33 took fridge and the stove
 away at the time he moved out, but because I never took time,
 or still don't practice it to take the numbers of the
 appliances, so I lost those.

Sometime in this past spring I received another

. Elijah Elieff - in-ch.

5 telephone call by Health Department, "Let's do again something about the cockroaches", they said. And they sent me a letter inviting for a meeting, stuff like that. I didn't respond. Why didn't I respond? Because I got sick and tired of it, a waste of time for the same thing. And naturally they sent their orders to me because I did not respond or reply or do anything, they send me a summons, frightening me with suing me about it. And I said to them, "Go ahead, I'll see you at court". But they did not wait for us to see each other at court, they organized themselves, Susan Eagle, A Pest Control people, blacksmith, Health Department, and they went on their own; blacksmith guy who opened the doors those vacant apartments, so they did - they wanted to do themselves. And in between times we appeared at court, the trial date was set up. And I want you to know that all those charges were dismissed, for which I felt very happy about.

THE CHAIRMAN: Do you have a copy of the court order?

MR. ELIEFF: Yes, I intend when I am all done after hearing you everything that I want to hearing you, as exhibit or just to see it and give it back to me, whatever.

In the meantime lately, some months ago, there was created an idea - whoever is behind it here, but I believe the Cheyenne Association, London Housing, all of this group,

. Elijah Elieff - in-ch.

5 came to me with an offer to buy my company's buildings and we
 signed an offer conditional at 1,050,000 or 1,030,000 for me
 not to pay any commissions. But as I was told by my agent, Joe
 Pinhero, the government told them that their idea is out of
 10 fairness, who can afford to tear down 20 some years buildings,
 just to put another buildings there? And the deal did not went
 through. Lately same people came with a package asking the
 government, "Since you don't let us tear the buildings
 completely out of ground and put new ones, would you let us
 15 renovate the buildings and buy them off Elijah and the next
 door?". And the offer I received at this time for million,
 fifty is 600,000. This tells me something that this group of
 people, Susan Eagle and her people, London Housing and others,
 want to steal my buildings off my company. This is my feeling.

20 Another thing I want to point out, sir, at one
 time I went to apartment 15, 105 Cheyenne, and I hear over
 there Cambodian with Vietnamese wife, or both Vietnamese or
 both Cambodians, I cannot know for sure - that family one time
 25 was robbed. They had a party and some bandits with masks came
 with guns and robbed the family and whoever was there partying,
 taking all their jewellery and everything else. I felt
 terribly sorry for what happened to that tenant of mine. One
 time I went for my rent and his wife pointed out to me that her
 30 screen door was broke on the patio. So I go there and the

. Elijah Elieff - in-ch.

screen door was cut on the middle from upper end to down end, just straight cut. I said, "Who cut this with a knife?", it can't be cut with anything else because it would be chipped up. It was so straight cut. And the lady said, "The wind did it", the wind did it? So I left. "Okay", I said, "Let it be so. The wind cut the screen down".

I have never called my tenants names. I have never said to any of my tenants or their children any bad thing, none whatsoever. Every time I would go for my rent most of them would invite me in. Say, "Sir, come in, Mr. Elieff", so I would go in, take my shoes, sit on their chesterfield and so nice and friendly, and say good-bye to each other very nicely, to all of them, including Ms. Hon. Only lately I wouldn't, but sometime I stop for accepting her invitation when she says, "Step in" or "Come in". I never called them - I never said to any of the Free Press reporter or any other reporter any bad things against my tenants, but I been saying here for a long time my complaints from them and their children.

Every time since I started from the first Vietnamese family until today, whenever I have to rent out to my Cambodian or Vietnamese friends especially I would give them all best treatment I could with my words, saying to them, "We are the same, we are same kind, we are new Canadians. I came

..... Elijah Elieff - in-ch.

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early, you are coming now. All I want is too help you". And I showed all that I know how to show to them with my attitude and talk and treatment that I really sincerely naively do love them and their families, and that I only want to help them. I never have given note to anyone to say, "You are over-crowded", or "Move out". If they want to be over-crowded in the name of saving themselves some money, let it be so, but all of this reports ruin my financial well being. Besides, all of this unfair, unjust, perverted, ugly stories that London Free Press reporters are putting in the paper is chasing or discouraging people from coming in and I am half empty. Even since then, especially now, I been running London Free Press advertising my apartments for rent and believe me, all the time on the other side of the telephone, after I tell them the place, they will say, "No thank you". Some would even comment that they won't want to move there because of all of this unfair perverted stories that people are reading in the paper. And this hurts me and my family and all of us very much so. This makes the area of Cheyenne the worst area in the city and I am sure that Susan Eagle, a social worker representing the tenants of mine and others, representing churches or whoever, she doesn't like this, what been going on there. People don't want to come there because of the Cheyenne being bad. Why would Cheyenne be bad? Isn't it in my interest to see Cheyenne normal corner of

5 the city, but my feeling is, whether is misunderstanding or
 whether is purposely things being done around, instead for all
 of us to work in harmony together to make life better for all
 of us, including our tenants. We have been fighting and Susan
 Eagle - I don't know, for what? I want to believe that most of
 10 the fight is out of misunderstanding, is what I want to believe
 because I don't really believe that she wants the place to be
 that dirty, that bad named. I don't believe she wants that. I
 believe she wants things to be improved around, but no landlord
 again, as many of my witnesses say, can keep up with all of
 15 what has been going on out there.

So with all of this, London Free Press in the
 past and in future, for there is to come - there is, I believe
 one of the biggest cause for misunderstanding. I feel very
 20 sorry for all of my tenants and even for Susan Eagle, just
 going after these papers here without hearing me personally, or
 seeing me personally doing something bad for the area, for the
 people, for their children, or whoever it is there. I am sure
 Susan Eagle and others are seeing that I do my best. I can, or
 25 I know how and if I am not able to keep up, I only wish that
 she would do something to make things happen in the right way,
 which unfortunately didn't happen and I am willing in the
 future if It is always better to work together than to
 30 fight against each other, whoever the parties are. Therefore,

. Elijah Elieff - in-ch.

again, if all of those tenants have taken this paper that
 5 seriously, believing what they are saying, this is what I been
 saying, and if that is the cause why they went with all of
 these demonstrations which hurt me and hurt everybody else
 around, I am sorry that is what happened down there, but it is
 10 not, has never been and it is never now, nor it will never be
 in my interest to be the person I been portrayed by this
 paper. I am million times sorry if this caused them all
 misunderstanding concerning those charges here and comments
 that they believe - that they have believed the Free Press
 15 talking about, which I bluntly, completely deny, absolutely not
 true, because if it is I would say some of it, that it is. As
 you have seen some of my character, I am not a scary person. I
 am saying stuff, but I cannot say it because I do love my
 20 tenants, I always did and all of this is just what London Free
 Press been saying. That's all of my, what I have to say and
 now I have my response to the charges. If you want a small
 break fine, if not'

THE CHAIRMAN: Yes, I could use a small break.
 (DISCUSSION OFF THE RECORD)

R E C E S S (4:25 p.m.)
 U P O N R E S U M I N G (4:30 p.m.)

MR. ELIEFF: At one time when I was pushed so
 30 hard around because of garbage all over the place and noisy and

. Elijah Elieff - in-ch.

5 damages and machine washers broken, one evening I went to check my place and do some repair. As I entered 105 everything was quiet, no kids around. Then I went to 95. Going inside 95 in the first floor hall I saw some six or eight children from four to 12, or something like that. They had been running up and down and making high noise. Because of all of this scrutiny that was coming to me of all the problems I went a little upset and I said, "How can you make so much noise and running around? At least go outside", and all of them did except one six, seven year old boy who went bully and came to me and said, "No I am not going". I said, "Why not? Go and play outside". "No I won't go out". So I took him by his hand and led him outside, and I thought that was it. The apartment is free of trouble makers, so I go in my furnace to see the laundry, to see my 10 furnace area and to check again. As I was leaving the laundryroom the two young men like my son that I recognize who are older brothers of this kid that I kicked out, not hitting him, but you know, led him out, and they came and said, "Why you treated our little brother like that?". Before I had 15 chance to explain my desperate problems with everything what's going on, I received a big blow right here which broke my denture and a big hit, and then another hit and I left the door and then I overpowered them both and got them on the floor, 20 just to make them calm down, but I already received a few big

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. Elijah Elieff - in-ch.

punches around. And so when they saw me stronger than both of
 them, and I did not hit them back, I did not fight them back,
 they left. Even then I thought it was all over before I tried
 to check what happened to these punches that I just received.
 And I went, leaving the 95 There is a door, I left that
 door, the door closed behind me. Before I was to go outside
 the door to think what I am supposed to do now, call police for
 what just happened, all of a sudden I saw the same boys with
 their father and their father had about four feet long chain,
 metal chain in his hand and they just entered the front door,
 and the guy was so wild with the chain, trying to hit me right
 on the head. And so I went under the stairs. When I went
 under the stairs the chain was hitting me from the side, all
 over my body, and then I took off from under the stairs
 backwards, avoiding his chain. I had to hold the door and get
 myself into the hall. I should have run, but I was watching
 the chain or awaiting the chain. I avoided countless chains
 but many chains I could not avoid. And so the guy was chaining
 me with the support of his two young brothers all the way from
 one end to the other end of 95, and outside the building on the
 sidewalk I turned around to see if I can call somebody for help
 at Mac's Store. At that point I had the chain across my head
 and right here, broke my front teeth and this was bleeding.
 And at the same time I was struck down and unconscious for

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. Elijah Elieff - in-ch.

...how long I don't know. And that was the end of it. I just want to let you know, for which I will let you have exhibit for what has been done to me personally as I was trying to keep the place in order.

Now in response to these charges I want you to have these charges and I want to follow the numbers of the charges. They are outlined with numbers. I will read the charges and give you my response. The charge, number 1, says like this, "I moved into the Cheyenne apartments owned by Elieff Investments", it says "Elijah Elieff", which is not me that owns, my company owning it. "On May 1st, '89 when I first arrived I noticed that my apartment, number 17, was very messy and I asked Mr. Elieff to come to clean the apartment and spray for cockroaches. Mr. Elieff replied, 'You are customed, like that cockroaches'." This is not understandable to me, what this means to me I don't understand. "You are customed, like that cockroach", what kind of custom cockroach has? What kind of sense this makes? Can somebody tell me?

THE CHAIRMAN: I think the sense I got from the complainant was that you meant by this that Vietnamese and Cambodian people have living customs, their custom of living was such that they liked cockroaches. That's the sense I got from the witnesses.

MR. ELIEFF: My response to this is none of

. Elijah Elieff - in-ch.

5 this is true. The lady called me and said, "My name is Hon. I
 am Cambodian, I have friends here in your 105 apartment
 building. They say you are a nice landlord, therefore; will
 you please come and show me one one-bedroom apartment if you
 have?" Then, my wife went and she showed her number 17. She
 10 liked it, was in excellent condition. She then called me and
 said that she will come to my shop downtown with first and last
 and to get her lease prepared. So she did and she got what she
 requested of me, nothing was said about roaches or mess or
 anything else. At that time she did not told me, as she came
 15 with first and last to my sub shop, that she has a husband.
 All she said is single lady with a kid or two, I don't know, I
 don't know about how many kids she said. All of these
 accusations under number 1, I deny. I never said that to her.
 20 I never

THE CHAIRMAN: Do you deny making the statement
 at the end of paragraph one or making a statement like that at
 the end of paragraph one?

MR. ELIEFF: Which one?

THE CHAIRMAN: At the end of paragraph one?

MR ELIEFF: Which one?

THE CHAIRMAN: Do you deny making the statement?

MR. ELIEFF: Which one?

THE CHAIRMAN: At the end of paragraph one, the

. Elijah Elieff - in-ch.

one I just read?

MR. ELIEFF: "You are customed ..."?

THE CHAIRMAN: Yes.

MR. ELIEFF: No, never.

THE CHAIRMAN: You deny ever

MR. ELIEFF: Deny everything, deny everything.

THE CHAIRMAN: Do you deny ever making a statement somewhat like that?

MR. ELIEFF: Ever making, deny. Ever making.

THE CHAIRMAN: Now just to clarify that, question, I understood from the evidence, and I am sure Ms. Sanson is going to ask you this on cross-examination, that this statement was not made at the time the apartment was rented. I understood that there was a gap of time between the time the apartment was rented and the time the request was made that someone come and spray for cockroaches.

MR. ELIEFF: When she came with first and last and she took her lease, she got her keys. She never mentioned any of this that she is saying here and she never mentioned anything like that to me in any time whatsoever, any of the problems.

THE CHAIRMAN: Fine.

MR. ELIEFF: And I have never made comments of this such as she is claiming ever. Under number 2, the

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accusations on this paper are saying, "I told Mr. Elieff that I don't like having cockroaches but all he said was if I didn't like it, I should move". Now my understanding is here that she is saying to me that she said this before she moved in. Am I correct?

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THE CHAIRMAN: Before she moved in? That's not the way I read this.

MR. ELIEFF: Let's ask her what she meant.

THE CHAIRMAN: Well she has already given her evidence and

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MR. ELIEFF: Let's confirm.

THE CHAIRMAN: Ms. Sanson

MR. ELIEFF: I want to confirm.

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THE CHAIRMAN: What do you Just as a point of clarification do you have any objection to asking if the complainant, or having the complainant asked whether this was contemporaneous to renting the apartment or if the question was made after.

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MS. SANSON: I will read you her evidence if you want to hear it.

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THE CHAIRMAN: You see, normally this would be done on cross-examination and Ms. Sanson would read the evidence to you on cross-examination and you would then answer the question.

. Elijah Elieff - in-ch.

5 MR. ELIEFF: We have to be clear. We are
accusing who with what? So I only want to clarify what this
means, for when.

THE CHAIRMAN: In the interests of time and
seeing that

10 MR. ELIEFF: No matter how this is find out I
want to know.

THE CHAIRMAN: Just in the interests of time...

MS. SANSON: I think I've almost got it here.

15 THE CHAIRMAN: I was going to allow this
question to be answered just by reading the evidence but
normally this is done by cross-examination.

20 MS. SANSON: "The first time I move in I see
the apartment was very messy. The stove was not working and
there was cockroaches, so I asked him to come and spray the
cockroaches for me and he said, 'If you want to stay you can
stay, if you don't want to stay you can move, because your
people like the cockroaches', that's the first time.

25 THE CHAIRMAN: This is after she moved in?

MS. SANSON: "The first time 105 Cheyenne,
apartment 17, when I opened the door to the room I saw very
mess in the room so I talked to

30 Q. What did you see in the room?

A. Cockroaches and a whole lot of mess in the

. Elijah Elieff - in-ch.

room so when I saw Mr. Elieff, 'Please come clean and spray
5 cockroaches for me?'. He said because I am from Cambodia I
like cockroach, I said, 'No I don't like it'. He said if I
don't like it, I move out".

MR. ELIEFF: So that's before she moved in?
10 That's before she moved? This last expression is before she
moved in?

THE CHAIRMAN: You are right, the last
statement that was just read was ...

MR. ELIEFF: Means before she moved in?

15 THE CHAIRMAN: She moved in and saw the place
in the - the condition the apartment was in and she approached
you about it. Excuse me, could you just refer me to that?

MS. SANSON: Those pages?

20 THE CHAIRMAN: Those pages.

MR. ELIEFF: I don't want to go blind through
this.

25 THE CHAIRMAN: No, no, in fact I will show you
the pages of the transcript.

ZORANCO ELIEFF: Didn't she deny ever seeing
the apartment before moving in?

MS. SANSON: Zoranco

30 MR. ELIEFF: He never grows, eh. He is too
decent. He is very good person, that's why.

..... Elijah Elieff - in-ch.

MS. SANSON: Okay, there is a reference on page 20, page 19 and then page 20, and then there's another page, on 24 there is a reference to that. I think I read you 19 and 24.

THE CHAIRMAN: I will just show them to you.

MR. ELIEFF: No I believe you, sir. You just confirm, is it before or after, that's all?

THE CHAIRMAN: You see, what she says is that she saw the apartment

MR. ELIEFF: ... and when she opened the door to the room, "I saw very messy".

THE CHAIRMAN: Right.

MR. ELIEFF: Before she moved in she opened the door. "What did you see in the room?" Cockroaches - someone asking her this and this?

THE CHAIRMAN: Yes.

MR. ELIEFF: So ...

THE CHAIRMAN: Then she says, "So when I saw Mr. Elieff ... please come and clean and spray cockroaches for me", etc.

MS. SANSON: I think it is your son's evidence and your evidence that you showed her the apartment. It is not her evidence that she saw the apartment before moving in.

THE CHAIRMAN: I would like you to move on and we will deal with this question on cross-examination.

. Elijah Elieff - in-ch.

MR. ELIEFF: Okay, okay. "I told Mr. Elieff that I don't like have cockroaches, but all he said was, if I don't like it I should move. I had no choice but to stay and suffer the problem of the cockroaches and Mr. Elieff's prejudiced view of Cambodian ancestry and place origin, which I found to be offensive and unwelcome". My response to this charge, number two, is she never said anything about roaches, then why would I say to her if she don't like the place she can move out, before even she has moved in? That's my understanding. If my understanding been wrong, then All of this is untrue and complete lies. If she had no choice but to take apartment number 17 that cannot be blamed on me. However, she moved in and was very happy with it. Because we gave her number 17 with promise that we were going to give her two-bedroom anytime she requests. That was a little promise at that time. That's why some months later she requested the two-bedroom apartment and she got number 18. That apartment was clean and in excellent condition, again which I personally have cleaned it and painted out after the tenant who took it for a week and then she changed her mind and moved out. Because of that I made sure it been fixed clean and she saw it in advance and she liked it very much. To me, if all of this so far was true concerning number 17, and still same conditions are in number 18, why would anybody move from one to two-bedroom when,

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. Elijah Elieff - in-ch.

with the same amount of rent money can be found places anywhere else in this city? If she had problems with me or my company buildings she could have moved to another location. Nobody has forced her to move from one-bedroom to two-bedroom in the same building and with the same owner if there was something bad going on between the two of us. Good girl, bad girl is nonsense. I told her, "You can have apartment 18 because you are nice people to me" and it was so, and it still is so. I never had any fight with her or anybody else. We have been treating each other very nice all of the time.

THE CHAIRMAN: Are you referring to the statements in paragraph three?

MR. ELIEFF: Still with number two.

THE CHAIRMAN: Still with number two?

MR. ELIEFF: Yes.

THE CHAIRMAN: The reference to "Good girl, bad girl" is in paragraph three.

MR. ELIEFF: I am still with this. Maybe I have stolen something from under, coming right here.

THE CHAIRMAN: Okay.

MR. ELIEFF: But I am saying here, her reason for asking me for two-bedroom was that she has husband and two children, husband that is with her, but only are playing the game of cheating the welfare system, like many of them, like

. Elijah Elieff - in-ch.

number 4 that I know of, a couple who have been cheating the welfare system also.

MS. SANSON: That's a highly inflammatory statement. There was no evidence led that the complainant has a spouse and if my friend is going to

MR. ELIEFF: I will continue.

MS. SANSON: ... I would like to see the documentary evidence which supports the accusations.

ZORANCO ELIEFF: I would like you to speak to her daughter then. She will tell you.

MR. ELIEFF: Number three, number three says, "After a short time in apartment 17 I asked Mr. Elieff for a transfer to a larger apartment. Mr. Elieff replied, 'Are you good girl or a bad girl?', which he never explained. When I questioned him as to what he meant, I later moved into apartment number 18 requesting Mr. Elieff for the change".

"After short time in apartment 17 I asked Mr. Elieff to transfer me to larger apartment", that is true. " Mr. Elieff replied, 'Are you good girl or bad girl?'" . Nonsense, not true. Which never explained, "I questioned him as to what he meant", all of that is not true. "Later moved into apartment 18", that is true. "After requesting Mr. Elieff for the change", that is true.

So the things she is throwing here that I have

. Elijah Elieff - in-ch.

said, "Good girl, bad girl" is nonsense. Simply, she was given two-bedroom apartment on her request. Again, that apartment was in excellent condition, only she with her waterbeds in every corner of the apartment, including the livingroom, slowly was ruined. Her used to have lots of flowers in the windows and watering them, she is ruining the plaster. She always have lights on, day and night. Keeps open doors and windows for fresh air. And I never bother her for any of this.

Number four: "Subsequent to my move into apartment 18 I learned of comments report that he made public by Mr. Elieff that he felt his tenants of Cambodian ancestry regarded cockroaches as pets, and that as Cambodians they are like little pigs, they think they are still living in the jungle". None of that is true. All of this is what someone else, like London Free reporters have been saying that I said. And I deny all of this as being untrue, and my response again here is, here she is saying that she has learned through the London Free Press lying reporter that I have called the Cambodians names, but she is not saying in here that I said anything similar of anything like this to her in person. Bunch of lies orchestrated or fabricated I believe by Susan Eagle. They had in addition A Pest One Control to complain if they wanted, but if they never did, then that cannot be blamed on me. A Pest Control was always available to them if cockroaches

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. Elijah Elieff - in-ch.

were problem to them. All they have to do is to call them and they would come and do something about it.

Number five: "I was upset ...", she is saying, "... over Mr. Elieff's comments which I felt demanding (sic)"...

THE CHAIRMAN: Demeaning.

MR. ELIEFF: "... demeaning toward my Cambodian place of origin and ancestry and ethnic origin and which I believe has created a poison environment for me, my family and me to live in". That's what she felt by what she has seen in this paper here. My response to that is, here she is saying that the London Free Press perverted stories have made her environment poison. It is exactly what has happened to me and my family too. The perverted stories and the tenants, with Susan Eagle, who went along believing what the Free Press is saying, but God is our avenger. We are doing our best to keep up with that, with what it is doing to us, as a company, as family, and we feel that tenants following these papers have poisoned my family's environment by going there and carrying on with our dirties, whatever.

Number six and the last: "I am Cambodian and believe my rights to equal treatment in accommodation and freedom from harassment by the landlord has been infringed due to ancestry, place of origin, ethnic origin. I understand this

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contravenes Section 1(1) to (2) of Human Rights Code ..." and
so on. My response to this is, here she is saying that she is
Cambodian. Oh yes, we are Macedonians, and as new Canadians
who have come to this beautiful Canada it is wrong for anyone
else, including Susan Eagle, to create a fight between
immigrant landlord and immigrant tenants. It is wrong for
anyone. We, Elieff Investments Limited, expect the tenant,
Chippheng Hon, and Susan Eagle, to apologize to us for all of
the insults, for all unfairness that they been doing to us.
They should be rebuked by this Inquiry Board commission and
they

THE CHAIRMAN: Mr. Elieff ...

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MR. ELIEFF: ... and they should be educated
that is not healthy for them to have concerning the tenants,
beds all over the apartment buildings, living in over-crowded
apartments. All of them in the past have doubled our
utilities, most of all for all these false accusations.

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THE CHAIRMAN: Mr. Elieff, those statements and
conclusions that you are coming to ...

MR. ELIEFF: Maybe I can use this, some of this
in the last ... yes.

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THE CHAIRMAN: ... probably are part of your
argument at the end of the case.

MR. ELIEFF: Yes, I guess so. I think I have

. Elijah Elieff - in-ch.

done all this.

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THE CHAIRMAN: But if you have evidence to put in, you can do that now.

MR. ELIEFF: Oh yes, yes, that's right, okay.

THE CHAIRMAN: After you have been cross-examined then you will have a chance to make your argument.

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MR. ELIEFF: Yes, okay, okay.

THE CHAIRMAN: Now, it is 5:00 o'clock. Mr. Elieff, do you have more evidence to put in?

MR. ELIEFF: I might have.

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THE CHAIRMAN: You might have?

MR. ELIEFF: I have a lot here.

THE CHAIRMAN: Yes.

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MR. ELIEFF: I don't know how long it will take me to go through all of this. We can go as far as you want me to go, or we can continue the next day we are in. I am very co-operative person. By now you should now. I never dispute, you know.

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THE CHAIRMAN: You haven't disputed any of our adjournments and I appreciate that.

MR. ELIEFF: No adjournments, no times, no.

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THE CHAIRMAN: How does everyone else feel about continuing now for another - at least until Mr. Elieff completes his evidence in-chief? Mr. Elieff, why don't you

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take the time now to put in the rest of your evidence, and my suggestion is that we break then and on the next day back we will move into cross-examination; that is, Ms. Sanson, Ms. Hon and the chair will ask you questions about the evidence.

MR. ELIEFF: Okay. I can try to do my best. If anything I am not doing right you will let me know.

MS. SANSON: There are a number of documents that I would, without ruling on the admissibility, I would like to ask to have them, because the evidence has been raised in-chief by Mr. Elieff, and I would like to ensure that he at least brings them with him the next day.

THE CHAIRMAN: Perhaps before you leave Mr. Elieff can have a copy of that and bring copies of those documents the next day. Go ahead, Mr. Elieff.

MR. ELIEFF: I would like to point out that all of these repair orders that have been coming to me from Health Department or City Hall to me are completely unfair because I was struggling to accommodate people in need, and another group was revolting and was causing the trouble. I was not able to keep up and all of these people, without trying to understand my situation and my company's situation, have been unjustly trying all these orders and I was taken to court and charged, I feel completely unjustly, for which I intend in the near future or later on, to go after them and sue them all. I just want to

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let you know how I feel about all of this.

THE CHAIRMAN: Yes.

MR. ELIEFF: And you have them in your possession, and only I want you to know what I feel about them. Right?

THE CHAIRMAN: Yes.

MR. ELIEFF: These are all my originals and these are duplicates. I will keep my originals for the big fight that I am planning in the future. All of these I would like to give them as exhibits but before she can take a look at them, and then we can give it

THE CHAIRMAN: What I am going to ask you to do is make another set for the next time so that

MS. SANSON: Two sets.

THE CHAIRMAN: Oh yes, that's right. We can make two copies of everything you have there and bring it the next time.

MR. ELIEFF: Not doing it now? Next time?

THE CHAIRMAN: You can show the documents now. They have been admitted as an exhibit and when you come the next time

MR. ELIEFF: We can make two more sets?

THE CHAIRMAN: Yes, that's right.

MR. ELIEFF: These she can examine and give it

. Elijah Elieff - in-ch.

to you as exhibits and then I can supply them both with others, right?

THE CHAIRMAN: That's right.

MS. SANSON: Well perhaps you should give me that copy and when you come next time, give the Board ...

MR. ELIEFF: It doesn't matter, whoever takes that, it doesn't matter to me.

THE CHAIRMAN: So if you could

MS. SANSON: Unless we can get a copy made before we

THE CHAIRMAN: If you could just let Ms. Sanson see the documents now, and we can at least admit them and we can discuss them.

MR. ELIEFF: Yes, okay.

MS. SANSON: Why don't you actually do this. You give them to me, I'll make copies and bring them next time, okay?

MR. ELIEFF: Okay. So at this time I am not going to be able to give them - later, next time I will do that?

MS. SANSON: Yes. Do you want to go through these today?

MR. ELIEFF: No, no, not necessary. I was thinking to go through today and then you take them back to

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copy them, or we will do that next time, going through them.

5 THE CHAIRMAN: You wanted to make comments about some individual

MR. ELIEFF: Yes, I just want to point out and say to you, "This document is saying this. That's how I feel about it", and keep giving it to you.

10 MS. SANSON: Okay, maybe we could go through and identify them. If Chippheng could look at your copies

THE CHAIRMAN: Could we just go off the record for a minute.

15 (DISCUSSION OFF THE RECORD)

20 THE CHAIRMAN: We are introducing some exhibits. This is an annual pest control service agreement, dated November 1st, 1984, and signed November 5th, 1984. And the parties are Elieff Investments Limited and A One Pest Control Limited, and we will mark this exhibit nine.

25 EXHIBIT NUMBER NINE: Pest control service agreement, dated November 1, 1984 between Elieff Investments Limited and A One Pest Control Limited.

MR. ELIEFF: And when I make a copy of this, I will copy this.

30 THE CHAIRMAN: Yes, but you can speak to each exhibit.

. Elijah Elieff - in-ch.

MR. ELIEFF: And then give it back to you?

THE CHAIRMAN: This is getting confusing.

MR. ELIEFF: This comes back to me, no?

MS. SANSON: Yes, and I will make copies.

MR. ELIEFF: All I want you to know is this is agreement between us. And the agreement says what they are supposed to do and what they are not supposed to do. All my tenants know all they have to do is check with them, not just check with me. I was paying those guys for being able to take care of it. This, my bank statements, what you call them? Statement of accounts.

THE CHAIRMAN: Do you want to introduce that as an exhibit?

MR. ELIEFF: Yes.

THE CHAIRMAN: Let me identify it for the record, and mark it as an exhibit. This is a Royal Bank statement of account.

MR. ELIEFF: How big is the account?

THE CHAIRMAN: From the period October 8th, '92 to November the 6th, '92, and the account is held by Elieff Investments Limited.

MR. ELIEFF: What exhibit is this?

THE CHAIRMAN: Sorry, exhibit number ten.

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EXHIBIT NUMBER TEN: Royal Bank statement of
account, October 8, 1992 to November 6, 1992

5 THE CHAIRMAN: Did you want to make any comment
on the bank statement?

10 MR. ELIEFF: My comment to this bank statement
is because of all that's been going on around the area of where
the buildings are located and all of the bad publicity of
London Free Press and the rest of the problems we were having
so many vacant apartments and so many huge bills and the amount
is so low and that's why we are getting in deeper and deeper
15 trouble, which is in advance to Susan Eagle and the rest of the
guys who are after me.

20 MS. SANSON: Mr. Elieff, I am going to be
asking for all of your financial records. I want all of them,
I am putting you on notice right now that I am asking for all
of them, all of your accounting records for your business.

25 MR. ELIEFF: I will do that when I get in big
fight with all the parties.

MS. SANSON: No, I will be asking for it for
next day.

30 THE CHAIRMAN: I don't think you are
understanding. Ms. Sanson is requesting production of all your
accounting records.

MR. ELIEFF: Not relevant to me anyway. To me

. Elijah Elieff - in-ch.

it doesn't look relevant.

MS. SANSON: You just said it's an issue. You introduced the relevance of the bank statement.

MR. ELIEFF: You can see it.

MS. SANSON: No we can't see anything.

ZORANCO ELIEFF: Keep that for the

MS. SANSON: Zoranco ...

THE CHAIRMAN: Zoranco, please. It's your father who should be speaking to this. Mr. Elieff, I am not sure - you see, you don't have counsel representing you, and you must be aware

MR. ELIEFF: Is it something like if I don't give that then this won't go as exhibit? Is that it?

THE CHAIRMAN: If you want to raise as an issue the fact that you are in financial difficulty as a result of all this ...

MR. ELIEFF: Yes.

THE CHAIRMAN: ... then that becomes an issue and so counsel

MS. SANSON: He has made that an issue.

THE CHAIRMAN: You've made it an issue and counsel for the commission is entitled to ask for all your books and records for your business

MR. ELIEFF: I won't go through all this

. Elijah Elieff - in-ch.

trouble because of - so if you don't want to take it

5 THE CHAIRMAN: If you want to withdraw that as an issue ...

MR. ELIEFF: I will withdraw it.

MS. SANSON: In your evidence as well.

10 THE CHAIRMAN: We can strike it from the record, everything you have said about ...

MR. ELIEFF: Yes, you

15 MS. SANSON: No, everything about you saying that your business has suffered because of what has happened. Are you withdrawing that evidence, all of that evidence that your business has suffered?

MR. ELIEFF: My business has suffered all over the place.

20 MS. SANSON: Then I would like to see your financial records that demonstrates that.

ZORANCO ELIEFF: (Speaking at same time as Mr. Elieff and cannot be transcribed)

25 THE CHAIRMAN: Zoranco, I cannot hear you. Mr. Elieff ... Mr. Elieff, we haven't finished with this point. If you are making that an issue, if that is an issue, then what counsel has requested, counsel for the commission, has requested you to produce, to bring here next time, all of your books and records. Do you understand that?

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. Elijah Elieff - in-ch.

MR. ELIEFF: I understand but I don't think I would like to go through all of that. I will do that in my big fight later on, so if you want to Whatever you want to do.

MS. SANSON: No, are you withdrawing all your evidence about the business and its effect on the business?

MR. ELIEFF: Not withdraw anything.

MS. SANSON: I would ask the Board to make an order.

MR. ELIEFF: You can take it or don't take it. It is up to you.

THE CHAIRMAN: I think the way we will leave it, Ms. Sanson, is if you wish to see that, you can subpoena those records.

MS. SANSON: He is giving you evidence now. He is here as a witness.

THE CHAIRMAN: I am not sure he understands the issue without having counsel representing him. I don't think he understands the full import of it. My feeling, and this is on the record, is that he doesn't want to make a big issue out of it, and he doesn't want to have to bring all his books and records. Certainly if he has to do that, he is not going to make a big issue out of it. That's the way I read him. And if he had counsel, counsel may not have raised this as an issue.

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I am reluctant to order him to bring all his books and records the next time. You can make a motion to that effect after he has put in his evidence, but I feel somewhat constrained to refuse to make the order now because he doesn't have counsel advising him. And I am not sure it is all that relevant to this issue.

MS. SANSON: If the Board is going to admit the evidence and allow in continuous hearsay, continuous allegations against disparaging remarks against all kinds of people who have given evidence at this hearing, then I think I am entitled to cross-examine in that regard and attack the truth of those statements. This is an evidenciary issue and if the evidence is going to be heard and allowed in, then I have the opportunity to attack that and I have no other way of doing that if I am not entitled to production of the complete source.

THE CHAIRMAN: That would relate only to the issues specifically dealing with the financial health of his business. I don't think he has raised it that often. He has made many disparaging remarks about other people, but just focusing for a minute on the financial health of his business, I don't think he has raised that as an issue, as a big issue, as a major issue. He is willing to withdraw exhibit ten if that's a problem. And I can't force you, Mr. Elieff, to withdraw exhibit ten, but I am suggesting that you may be wise

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to do that in the absence of counsel.

MR. ELIEFF: Just don't accept it. You know.

THE CHAIRMAN: All right, just for the record, Mr. Elieff is agreeing to withdraw the bank statement as exhibit ten.

ZORANCO ELIEFF: So get that copy back from her.

THE CHAIRMAN: That's fine. Mr. Elieff, could I just see that bank statement? Do you want this as an exhibit?

MR. ELIEFF: I just want you to see my occupation of the building, how many vacancies I have and how many have paid their rent.

THE CHAIRMAN: Let's just go off the record for a minute.

(DISCUSSION OFF THE RECORD)

THE CHAIRMAN: We have agreed to adjourn this hearing until Tuesday, February the 2nd, 1993 at 9:00 a.m. in the morning. The venue to be decided by the Registrar of the Board. Notices will be sent out.

A D J O U R N E D

(5:40 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

