ORAL PRESENTATION

GOOD DAY—My name is WOLF RUCK ... I am the Applicant in this case.

As Self-represented Applicant untrained in law, I respectfully ask for this Court's patience and forbearance—both of which have been accorded me on more than one occasion by the Respondent's Lawyer—THANK YOU, Daron Earthy!

Your Honour,
I have endeavoured to comply with all procedural requirements and appreciate your understanding, should any formalities be deficient or require clarification.

Before proceeding in this matter:

I respectfully seek leave of this Honourable Court to file my **Application Record** at today's hearing, notwithstanding the Registrar's refusal to accept it due to alleged non-compliance with the timelines prescribed under Rule 38.09(1)(a) of the Rules of Civil Procedure.

I submitted the materials electronically on June 24th, eight days in advance of today's hearing on July 2nd. However, the Registrar determined my submission to be "five days prior" under a strict calendar count and, accordingly, rejected my Application Record as late.

YOUR HONOUR,

I respectfully submit that:

1. There was **no prejudice to the Respondent**, as they were duly served and are fully aware of the content of my Application, Factums, Affidavit of Documents, and supporting Authorities, including the subject Application Record, which I uploaded to Case Center on June 23d for earliest reference by the Respondent.
2. The materials in question are comprehensive, indexed, and clearly organized, and include all required documents, including Proof of Service and the Notice of Constitutional Question, which addresses the procedural shortcoming identified by the Court of Appeal in its February 24, 2025 Order.
3. As a self-represented litigant, I have acted in good faith, and with diligence, to comply with all procedural obligations, including correspondence with the Registrar. Any delay was minor and not intentional, and I respectfully request **procedural latitude in the interest of fairness and access to justice**.

4. The issues before this Court are significant and raise matters of constitutional and environmental importance, including allegations of Bad Faith enforcement, Charter breaches, and Procedural Unfairness, with substantial evidence filed to support them. **The Application Record is essential for the fair adjudication of these matters**.
5. Rule 2.01 allows this Court to grant relief from non-compliance with the Rules where the interests of justice so require. **Denying the filing of these materials would result in undue hardship and prejudice to my case**.
6. Pursuant to Rule 38.09(1)(a) and Rule 2.01(1), I respectfully ask that this Honourable Court exercise its discretion and grant leave for my Application Record to be filed and considered at this hearing.

For the same reasons, Your Honour,
I respectfully seek leave of this Honourable Court to admit the **Fresh Evidence** in my Motion submitted on June 13th.

The evidence comprises the **Blooming Boulevards Deputation** presented to Mississauga City Council on May 6th, and the **David Suzuki Foundation's Facebook post** of June 6th. These materials were not available at the time my original Application on March 21st was filed, and **could not have been included earlier**.

I prepared and served a formal Motion to Admit Fresh Evidence in advance of today's hearing, and **the Respondent does not oppose the motion**. However, the Court Registrar did not file the Motion in time for today's Hearing due to **minor formatting issues**, despite my efforts to correct and resubmit promptly.

Given that:

1. the **Respondent consents** to admission of this Fresh Evidence;
2. the **evidence is credible and directly relevant** to my Charter claims and request for damages;
3. there was **no intentional delay** on my part in bringing it forward;

I respectfully ask the Court to grant leave and admit the **Blooming Boulevards Deputation as Exhibit A**, and the **David Suzuki Foundation's advocacy as Exhibit B**, to my Supplementary Affidavit sworn on May 30th.

Thank you, Your Honour.

FINALLY, Your Honour,

I respectfully advise the Court that my list of **Authorities** has been updated to include several Case Law citations which, while not expressly referenced in my original Factum, Reply Factum or Application Record, are directly relevant to the legal issues raised in my Application and are intended to assist the Court in its determination of the matters in issue.

These supplementary authorities have been selected to:

1. **Clarify and reinforce** arguments already advanced in my written submissions, including those pertaining to Administrative Law, the Municipal Act, the Canadian Bill of Rights, and the Canadian Charter of Rights and Freedoms;
2. **Support** the Applicant's Motion to Admit Fresh Evidence; and
3. **Respond** to legal propositions advanced by the Respondent in its Factum and oral argument.

I've endeavoured to provide only those Authorities that are necessary **for the Court's convenience**.

This **List of Authorities was served on the Respondent** in advance of the hearing today, and it has been **uploaded to Case Center** for reference.

Pursuant to Rules 1.04 and 39.01(5) of the Rules of Civil Procedure—and in accordance with the applicable Practice Directions—in the event the Court deems leave necessary, I respectfully request **leave to refer to these authorities** at the Hearing today.

Thank you, Your Honour.

YOUR HONOUR,

The following is a brief overview of my Application for Judicial Review regarding the City of Mississauga's administration and enforcement of Tall Grass and Nuisance Weeds By-Law 125-2017 on my private property, since 2021.

The grounds for my Application form the bedrock of my identity as a citizen of Canada, who believes in—and abides by—the Rule of Law.

At issue are **LIFE-DEFINING principles** for me—**as well as for other property owners** in Ontario and Canada—who are engaged in the growing **Urban Re-Wilding Movement,** and who are faced with **onerous municipal by-laws** and threatened by **oppressive enforcement practices**.

For **FOUR YEARS** to date, the City of Mississauga has **knowingly** and **willfully undermined** my **constitutional rights** and **subjected** me to ongoing **harassment**; **stigmatization**; and **psychological**, **emotional** and **financial distress**.

Despite my best efforts **since 2021**, to communicate to the City's Decision-making Authorities, the scientific, philosophical, ethical and legal rationale that informs the biodiversity- and wildlife-friendly naturalization efforts on my private property, my numerous letters, emails, evidence, arguments and requests addressed to the City authorities—from the Mayor on down to the attending By-law Enforcement Officers—have not received **even the minimal courtesy of acknowledgement of receipt**, let **alone a substantive reply**.

This **chronic disregard** is inconsistent with the City's self-proclaimed mission of:

"*Ensuring the citizens of Mississauga receive value for money; and delivering excellence internally through innovation and the services we provide"*.

To date, the City's conduct in my case comprises **FOUR YEARS** since 2022 of **repeated**, **willful** violations of **Procedural Fairness** and **Natural Justice**.

In this context, and for this Honourable Court's consideration, my plan is to highlight **examples of Errors in Law**, **Manifest Unfairness**, **Bad Faith**, and the **Undermining of Court Authority** in the City's By-law **Administration** policy and **Enforcement** practice, which violate: principles of **Administrative Law**; the **Municipal Act & Code**; the **Ontario Weed Control Act**; the **Canadian Bill of Rights**; and the **Charter of Rights and Freedoms.**

In consideration of the Court's time constraints, my **Case Law citations** are identified briefly **by name, year and relevance—or by name only**.

DETAILED analysis is provided in my **Factum** and **Reply Factum** filed with this Court**.**

PLEASE NOTE:

I am deferring the **Section 2(b) Charter** issues and arguments in regard to **FREEDOM OF EXPRESSION** to Counsels **John Mather** and **Lauren Baker,** who are intervening as **Friends of the Court** on behalf of **The Canadian Constitution Foundation**.

In roughly descending order, my list of the City's **Errors in Law**, **Manifest Unfairness**, and **Bad Faith** includes:

1. **Violations of the Charter**
2. **Violations of Fundamental Rights**
3. **Violations of Administrative Law**
4. **Violations of the Ontario Weed Control Act**
5. **Violations of the 2001 Municipal Act and Municipal Code**
6. **Trespass and Mischief**
7. **Pre-determined Outcome—Bad Faith (*mala fide*)**
8. **Cognitive Bias— Bad Faith (*mala fide*)**
9. **Chronic Unresponsiveness & Abuse of Power—Bad Faith (*mala fide*)**
10. **Capricious Self-contradiction**, **Duplicity**, and **Discrimination—Bad Faith (*mala fide*)**
11. **Undermining Court Authority—Enforcement While the Matter is pending adjudication—** (***Sub Judice*)**

Starting with number one:

1. **Violations of the Charter**

My **Charter Rights** to:

a) **Freedom of Expression** under **Section 2(b)**;

b) **Life, Liberty** and **Security** under **Section 7**;

c) **Privacy** under **Section 8;** and

d) **Equality** under **Section 15**

were **knowingly**, **willfully** and **repeatedly** violated by the City's Enforcement Actions in 2022, '23 and '24.

My Factum also references the City's violation of my **Charter** right to **Presumption of Innocence** under **Section 11(d)—**for failing to provide any **objectively discernible evidence** of present or imminent harm to neighbours or the community at large, as well as the issue of **Double Jeopardy** under **Section11(h)—**for repeatedly issuing **Notices of Contravention** and carrying out **Inspections** and **Enforcement Actions** in '22, '23 and '24 for the **IDENTICAL alleged Tall Grass and Nuisance Weeds "offence"** which was previously **resolved in 2021**.

YOUR HONOUR,
These **Enforcement Actions** were **inconsistent**, **self-contradictory** and **discriminatory**, when compared to the City's treatment of the **Blooming Boulevards Deputation**, which was duly "received" and recorded as a public document by the **City Council's Environmental Action Committee** on May 6th.

These **Enforcement Actions** also were **inconsistent**, **self-contradictory** and **discriminatory**, when compared to the recent **Social Media Post by the David Suzuki Foundation** calling on Municipalities across Ontario and Canada to **reform outdated By-laws in the face of the current Biodiversity and Global Warming Emergencies**.
It should be noted that—**paradoxically**—the David Suzuki Foundation is a years-long **supporter and sponsor** of the City's **own self-promoted Pollinator, Biodiversity, and Naturalization programs**.

As detailed in my Factums, the City's **chronic unresponsiveness**—since 2021—to my **substantially identical arguments** presented in both the **Blooming Boulevard's Deputation** and the **David Suzuki Foundation's advocacy**, evidences a **denial of my right "to be heard"**, in violation of my **Charter right to Equal Treatment** under **Section 15**.

In sum, the City's enforcement of the By-law against me and my property constitutes **willful**, **knowing** and **repeated** violation of my **Charter rights**, as established in Case Law such as:

a) **Bell v Toronto (City) (1996)**
   (wherein the tall grass By-law was ruled unconstitutional for violating **freedom of expression** under **Section 2(b)**)
b) **R. v. Morgentaler, [1988]** 1 SCR 30
   (which is relevant to Life, Liberty, and Security under **Section 7**)

c) **R. v. Oakes, [1986]** 1 SCR 103
(whereby the Oakes test is used to determine whether a limitation of **Charter** rights—including the **Presumption of Innocence** under s. 11(d)—can be justified under s. 1 of the Charter.

d) **R. v. Kienapple, [1975]** 1 SCR 729
(which is relevant to **Double Jeopardy** in the **repeated charging** and **enforcement** for the same offence under **Section 11(h)**)

e) **Suresh v. Canada (Minister of Citizenship and Immigration), 2002 SCC 1**
(whereby Decision-makers must act **fairly and in good faith**; **Selective enforcement** suggests **bad faith and Discrimination** under **Section 15.**)

2. Violations of Fundamental Rights

The City's administration and enforcement of the By-law in '22, '23 and '24 **willfully** and **repeatedly** violated my **Fundamental Rights** under Canada's **Bill of Rights**, to **use**, **operate** and **enjoy** my property.

My Factum provides evidence of the City Decision-makers' **Negligence** and *de facto* **Complicity** in their **chronic disregard** of my letters and emails comprising **sworn Exhibits** of **photos and videos** documenting a Neighbour's repeated **Trespass and Mischief** on my property in June, July and August of 2021.

By subsequently carrying out **repeated Surveillance**, **Inspections**, and **Enforcement Actions based on that SAME neighbour's unspecified and suspect complaints**—which have been registered annually with the City since August of 2021—the **City's Decision-making Authorities** effectively **empowered**, **facilitated** and **participated in**, this neighbour's **Nuisance Harassment** against me and my property for **FOUR YEARS** to date.

The City's administration and enforcement of the By-law **willfully** and **repeatedly** violated **Procedural Fairness** and my **Fundamental Rights**—as established in:

a) **Roncarelli v Duplessis** (1959)
(regarding **abuse of discretionary power**)

b) **Slaight Communications Inc. v. Davidson, [1989]**
(whereby administrative decisions must respect the Charter)

c) **Baker v. Canada (Minister of Citizenship and Immigration), [1999]** 2 SCR 817
(regarding Procedural Fairness and Natural Justice)

d) **Cardinal v. Director of Kent Institution, [1985]** 2 SCR 643
(regarding fairness in administrative procedures)

e) **Canada (Attorney General) v. Bedford, [2013]** SCC 72
(regarding fairness and fair administrative process)

3. Violations of Administrative Law

My Application presents evidence of the City's Decision-making Authorities' **chronic unwillingness to consider the merits** of detailed arguments presented in my numerous letters and emails, which violates **Principles of Administrative Law**, whereby decision-makers must "**hear the other side**".

The City's abrogation of its **Administrative Accountability** appears to be inconsistent with the **Norms of Procedural Fairness**—as established in:

a) **Blencoe v. British Columbia (Human Rights Commission), 2000** SCC 44
(regarding the impact of procedural deficiencies on fairness)

b) **Canada (Attorney General) v. Bedford, 2013** SCC 72
(regarding Manifest Unfairness in administrative processes)

c) **Nelles v. Ontario, [1989] 2 S.C.R. 170**
(which supports **liability in tort** for **malicious prosecution**—even against state officials)

d) **Odhavji Estate v. Woodhouse, 2003 SCC 69**
(whereby Public Officials may be held liable when they knowingly act unlawfully and with the intent to harm, a claim in tort for **misfeasance** is permitted.)

4. Violations of the Ontario Weed Control Act

As detailed in my Factum, the City's enforcement of the By-law is ***ultra vires*** BECAUSE:

a) it conflicts with **primacy** of the **Ontario Weed Control Act**, which **limits municipal weed enforcement** to **noxious weeds** in **agricultural** contexts;

b) the By-law **exceeds municipal authority** by regulating vegetation for **aesthetic reasons**—which lies beyond the **maintenance**, **health** and **safety** purposes permitted under the Municipal Act;

c) the By-law **fails to comply** with the Act's **statutory safeguards—**such as requiring inspections by **qualified municipal Weed Inspectors**, and providing the **Right to Appeal**;

d) **And**, the By-law circumvents the **statutory requirement** for a **Judge's Warrant** when entry is denied by the property owner.

These statutory limits establish that provisions in a municipal By-law, which conflict with the Ontario Weed Control Act, are ***ultra vires*—**beyond the City's authority, and **unenforceable**.

My Application also documents the City's **repeated, knowing** and **willful** violation of the **Ontario Weed Control Act** in '22, '23 and '24, by ignoring duly served **Notices of Trespass** and **Mischief**, and **illegally** entering my property without a **Warrant issued by a Justice of the Peace**, as established in:

a) **R. v. Hynes, 2001** SCC 82
(whereby Administrative decisions must comply with statutory requirements)

5. Violations of the 2001 Municipal Act—and Municipal Code

My **detrimental reliance** on the By-law Enforcement Officer's representations in 2021—which allowed me to postpone cutting the tall grass on my property until **AFTER Bird Migration in the Fall**—had **ZERO** effect on other Mississauga By-law Enforcement Officers subsequently assigned to enforce the By-law, in terms of **postponing** their threatened **Enforcement Actions**.

Such **inconsistent and unpredictable** enforcement by different City By-law Officers violates fundamental **Administrative Law** principles of **Procedural Fairness**, **Reasonableness**, and the **Rule of Law**—AND it contravenes the **Municipal Act, 2001 Sections 8(1)**, **11(2)** and **272**, and **Municipal Code Chapters 280** and **231,** which mandate that **discretion must be exercised fairly**; **powers** must be used in **good faith**; and **enforcement** must be **consistent**, **predictable**, and **transparent**.

6. Trespass and Mischief

Pursuant to the City's **Notices of Contravention** issued in '22, '23 and '24, my letters dated July 24, 2022, July 20, 2023, and August 2, 2024—with **Notices of Trespass** and **Mischief** attached—specifically **deny permission** for City staff and contractors to enter my property without first serving a **Warrant** issued by a Justice of the Peace.

By carrying out their Enforcement Actions without duly serving me the **Warrant mandated** in the **Ontario Weed Control Act**, the attending By-Law Officers and Contractors **knowingly** and **willfully** disregarded my Notices and, accordingly, are **individually and severally liable** for **damage** caused to my property and **harms** to my person; and they are **subject to the fines and penalties** provided under **Ontario's Trespass** and **Canada's Mischief** laws, as established in:

a) **R. v. Hynes, 2001** SCC 82
(whereby Administrative decisions must comply with statutory requirements)
b) **Nelles v. Ontario, [1989] 2 S.C.R. 170**
(which supports liability in tort for **malicious prosecution**—even against state officials)
c) **Odhavji Estate v. Woodhouse, 2003 SCC 69**
(whereby Public Officials may be held liable when they knowingly act unlawfully and with the intent to harm, a claim in tort for **misfeasance** is permitted)

7. Pre-determined Outcome—Bad Faith (*mala fide*)

The City's Enforcement Action of **July 24, 2022**—predicated on the **pre-dated July 11th** Notice of Contravention—suggests that the City's **real goal**, in repeatedly targeting my property for By-law enforcement, was a **pre-determined outcome**, namely, to demonstrate to "anonymous neighbour" complainants and the community at large, that **City administrators and officials diligently enforce the By-laws**, and **punish alleged offenders**. Such actions designed to achieve a pre-determined goal constitute an **improper purpose**, hence ***mala fide***, as established in:

a) **Nelles v. Ontario, [1989] 2 S.C.R. 170**
(which supports liability in tort for **malicious prosecution**—even against state officials)
b) **Odhavji Estate v. Woodhouse, 2003 SCC 69**
(whereby Public Officials may be held liable when they knowingly act unlawfully and with the intent to harm, a claim in tort for **misfeasance** is permitted)

8. Cognitive Bias—Bad Faith (*mala fide*)

Notwithstanding my numerous letters and emails detailing the scientific, philosophical, ethical, aesthetic, logical and legal rationale, underpinning my belief in the importance of responsible environmental stewardship in the face of documented Biodiversity Decline and Global Warming emergencies, the repeated failure of the City's Decision-making Authorities to **acknowledge** and **consider the merits** of my arguments and, accordingly, to **exercise discretion** in enforcing the

By-law in my case, suggests **systemic cognitive bias**—hence, ***mala fide***, as established in:

a) **Blencoe v. British Columbia (Human Rights Commission), 2000** SCC 44
(regarding the impact of procedural deficiencies on fairness)
b) **Canada (Attorney General) v. Bedford, 2013** SCC 72
(regarding Manifest Unfairness in administrative processes)
c) **Nelles v. Ontario, [1989] 2 S.C.R. 170**
(which supports liability in tort for **malicious prosecution**—even against state officials)
d) **Odhavji Estate v. Woodhouse, 2003 SCC 69**
(whereby Public Officials may be held liable when they knowingly act unlawfully and with the intent to harm, a claim in tort for **misfeasance** is permitted)

9. **Chronic Unresponsiveness & Abuse of Power— Bad Faith (*mala fide*)**
My Affidavit of Documents provides evidence of the City's Decision-making Authorities' chronic unresponsiveness to my numerous letters and emails, which **constitutes an Abuse of Power inconsistent with Principles of Administrative Law**, and suggests a pattern of ***mala fide*** decision-making.

The City's abrogation of its **Administrative Accountability** appears to be inconsistent with **Norms of Procedural Fairness**—as established in:

a) **Blencoe v. British Columbia (Human Rights Commission), 2000** SCC 44
(regarding the impact of procedural deficiencies on fairness)
b) **Canada (Attorney General) v. Bedford, 2013** SCC 72
(regarding Manifest Unfairness in administrative processes)

10. **Capricious Self-contradiction**, **Duplicity**, and **Discrimination—Bad Faith (*mala fide*)**
Self-proclaimed and widely promoted as "*Canada's 29th Bee City*", Mississauga's Enforcement Actions on my private property since 2022 evidences capricious, hypocritical and self-contradictory duplicity, in clear violation of the **Municipal Act, 2001 Sections 8(1)**, **11(2)** and **272**, and **Municipal Code Chapters 280** and **231**, which mandate that **discretion must be exercised fairly**; **powers** must be used in **good faith**; and **enforcement** must be **consistent**, **predictable**, and **transparent**.

The City's Enforcement Actions were **inconsistent** and **discriminatory** when compared to the City's treatment of the **Blooming Boulevards Deputation** of May 6th, which was duly "received" and recorded as a public document by the City Council's Environmental Action Committee.

Similarly, the Enforcement Actions were **inconsistent** and **discriminatory** when compared to the City's **subscription to**, and **the cross-promotional benefits derived from**, the **David Suzuki Foundation's sponsorship** of the **City's own environmental programs to promote and create Pollinator- and Wildlife-friendly Habitats**—all while simultaneously **failing** for over **four years** to **acknowledge**—let alone **substantively respond to**—my virtually **identical** written requests and submissions, including **photo and video evidence**, **statutory and case law citations**, **Notices of Trespass and Mischief**, and third party **References and Resources**—including the **David Suzuki Foundation**—which **underpin the re-wilding rationale and process** on my property.

This **contrast in treatment** directly engages the fundamental principles of **Administrative Law; Natural Justice**; and **Procedural Fairness**—AND it evidences the City's violation of my Charter rights to **equal treatment** under **Section 15**—as established in:

a) **Suresh v. Canada (Minister of Citizenship and Immigration), 2002 SCC 1**
(whereby decision-makers must act **fairly and in good faith**; Selective enforcement suggests **bad faith and Discrimination**)
b) **Andrews v. Law Society of British Columbia, [1989] 1 SCR 143**
(whereby Discrimination includes any law or action that has the effect of **denying a benefit** or **imposing a burden** based on an *enumerated or analogous ground*. The City's enforcement actions **disproportionately burdened me** for choosing naturalized landscaping for ecological and expressive reasons. This **inconsistency is arbitrary** and amounts to **differential treatment** without a **rational basis**.)
c) **R. v. Kapp, [2008] 2 SCR 483**
(affirms that **Section 15(1)** prohibits laws or conduct that create a **disadvantage by perpetuating prejudice or stereotyping**. The City **publicly targeted** my naturalized garden based on an **unspecified** and **suspect** "Anonymous Neighbour Complaint", **while allowing and promoting** similar naturalization projects, like **Blooming Boulevards** and **David Suzuki programs**, which amounts to **discriminatory** By-law Enforcement.)

11. Enforcement While the Matter is *Sub Judice*—Undermining Court Authority

Since 2022, the City has continued enforcement of the By-law while the matter was—and still is—before the Court pending Judicial Review. This conduct constitutes an **Abuse of Process**, **breach** of **Procedural Fairness**, and **undermines** the **authority of the Court**, contrary to fundamental principles of **Administrative Law** and the **Rule of Law**.

These **Enforcement Actions** were carried out, despite the fact that they were pending **Judicial Review** in Superior Court in 2023, and the Court of Appeal in '2024.

Just last week on June 23rd and 25th—City By-Law Enforcement Officers again knocked on my door, in response to a "**neighbour complaint**" about **Tall Grass and Weeds** on my property. Both Officers **appeared surprised to learn** that this matter was **scheduled to be heard** in this Court the following week on July 2nd, **today**.

YOUR HONOUR

Maintaining the status quo while a case is before the court is a well-recognized **Principle of Administrative Law** and **Constitutional Fairness**, particularly when the City's action **threatens to prejudice** the matter under litigation, or **render the proceeding moot**, as affirmed in:

a) **RJR-MacDonald Inc. v. Canada (AG), [1994]** 1 SCR 311
(whereby, **where serious questions are raised**, the **balance of convenience** may favour maintaining the **status quo**.)

12. COSTS & DAMAGES

The City's **failure to consider** my **Evidence**, **Arguments**, **Case Law** citations, and **written Requests for Discretion, Postponement and Exception** has resulted in **OPPRESSIVE CONSEQUENCES** for me by placing **restrictions**, **barriers** and **limitations** on my **Charter protected freedoms**.

In effect, the City of Mississauga's **Administration policies** and **Enforcement practices**—whereby **alleged transgressions** of the By-law are automatically triggered by **UNVETTED ANONYMOUS SNITCHES**—and the By-law is enforced at the discretion of **UNQUALIFIED OFFICERS** with the combined powers of **Judge**, **Jury**, and **Executioner—**ALL while the accused is **denied any reasonable avenues of appeal**—is tantamount to **unfettered authoritarianism** characteristic of a **Police State**.

YOUR HONOUR

I respectfully submit that the City's **Administrative policies** and **Enforcement practices** are **INCONSISTENT** with the **VALUES** and **PRINCIPLES** that embody our **FREE** and **DEMOCRATIC** society.

Left unchecked, the City of Mississauga's **DISCRIMINATORY Administration policies and OPPRESSIVE Enforcement practices**, will set an **OMINOUS PRECEDENT** for property owners in **Ontario** and **Canada**, who are engaged in **Urban Re-Wilding** and **Naturalization**.

YOUR HONOUR,

Considering the **human**, **materiel** and **legal costs** accrued to date by the City's self-serving **FOUR-YEAR** campaign to demonstrate its **diligence and responsiveness** to **Anonymous Neighbours'** concerns—even to the point of **violating my guaranteed constitutional Charter rights and freedoms**—the Administration and Enforcement of the By-law can hardly be seen as serving **the interests of tax-paying Mississauga residents**—let alone the **Public Interest**.

FOR ME, **FOUR YEARS**—and counting—of **stomach drops**, **cardiac palpitations** and **blood pressure spikes** triggered every time an **unfamiliar car parks out front**; a **car door slams**; **strangers are wandering around my property looking at things**; some passerby yells "**CUT THE GRASS**" from the street; and the dreaded sound of a **KNOCK on the door**— these comprise some of the **physical**, **emotional**, **anxiety**- and **paranoia**-inducing **psychological stresses** of being **hounded** by repeated **monitoring**; **surveillance**; **invasions of privacy**; **inspections**; **stigmatization**; **social media slander**; **reputational harm**; **disruption of works-in-progress**; **interference in my active living priorities** and **family commitments**; **legal expenses**; and **inordinate time devoted to defending myself in the pursuit of Justice** as a self-represented litigant with limited means.

YOUR HONOUR,

These are **REAL** and **SUBSTANTIAL HARMS AND COSTS** I have incurred.

I respectfully submit that the **harms** visited upon me by the City's **ANNUAL** pattern of **oppressive municipal overreach—**in clear violation of **Procedural Fairness** and **Natural Law** protections provided in **Administrative Law**, the **Ontario Weed Control Act**, the **Canadian Bill of Rights**, and the **Charter of Rights and Freedoms**—deserve **commensurate compensation**.

As stated in **Section.24. (1) of the Charter:**

"*Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.*"

Accordingly, I respectfully refer this Hounourable Court to the **thesis** by **Katharine June Fisher**, published by **Osgoode Hall Law School of York University** titled:

Using Charter Damages to Provide Meaningful Redress and Promote State Accountability:

Quote:

"Constitutional damages should [~~therefore~~] be viewed as conceptually distinct from private law damages. The Court highlighted ***three objectives of Charter damages****:* ***compensation****,* ***vindication****, and* ***deterrence****.* ***Compensation*** *is primarily concerned with* ***repayment for personal loss****.* ***Vindication*** *attempts to* ***preserve*** *the importance of* ***Charter*** *rights and* ***ensure*** *that they are* ***not eroded*** *over time.* ***Deterrence****-based damages* ***send a message to the state*** *that its* ***conduct is unacceptable****.* ***Vindication*** *and* ***deterrence-based*** *awards are theoretically more* ***difficult to quantify****, but these are the* ***more public objectives*** *that help distinguish* ***Charter damages*** *from private law damages."*

The cited Case Law includes:

1. Henry v British Columbia (Attorney General), 2016 BCSC 1038, 2016 BCSC 1038 (CanLII) (over $8 million awarded in compensation, vindication, and deterrence-based damages to remedy a wrongful conviction stemming from prosecutorial misconduct);

2. Elmardy v Toronto (City) Police Services Board, 2017 ONSC 2074, 136 OR (3d) 471 ($50,000 awarded to vindicate the claimant's rights and deter racial profiling);

3. Henebry v Ontario, 2018 ONSC 6584, 2018 ONSC 6584 (CanLII) ($20,000 in vindication and deterrence-based damages ordered to remedy Charter breaches caused by the negligence of correctional officers);

4. Brazeau v Attorney General (Canada), 2019 ONSC 1888, 2019 ONSC 1888 (CanLII) ($20 million in vindication and deterrence-based damages ordered on behalf of a class of mentally ill inmates to make structural changes to prisons)

Accordingly, I respectfully ask this Honourable Court **for REDRESS** and to **MAKE WHOLE** by:

1. **ISSUING** an interim and ongoing **Injunction** restraining the City of Mississauga, its officers, agents, and contractors from taking any further By-law enforcement action against me, pending final resolution of this proceeding;
2. **CANCELLING** all **Added Charges** and **cumulative Interest** added to my **Property Tax Bill**;
3. **AFFIRMING** the **Protections** which are **rightfully** owed Ontario property owners who are pursuing sustainable and ecologically responsible Urban Re-wilding projects in accordance with their **Beliefs**, **Fundamental Rights** and **rights guaranteed in The Canadian Charter of Rights and Freedoms**;
4. **HOLDING the City** and its Decision-making Authorities, By-law Enforcement Officers and Contractors **accountable** for their unlawful **Trespass and Mischief** on my property, by **awarding damages**, as provided in the respective **provincial and federal laws**;
5. **HOLDING the City** and its Decision-making Authorities and By-law Enforcement Officers **accountable** for their **abuse of power** and **bad faith**—***mala fide***—in their 2022, ’23 and ’24 **Enforcement Actions**, by awarding **commensurate relief and damages** outlined in my **Factum**;
6. **HOLDING the City** and its Decision-making Authorities and By-law Enforcement Officers accountable for their **Negligence** and **Complicity** in **empowering**, **facilitating**, and **participating in**, a neighbour’s documented **Nuisance Harassment** against me and my property since 2021, by awarding **commensurate relief and damages** outlined in my **Factum**;
7. **HOLDING the City** and its Decision-making Authorities **accountable** for their **chronic failure** to exercise **discretion**, **reasonableness** and **fairness**, and for **forcing** me to apply for **Judicial Review** of this case through the Courts for **FOUR YEARS** and counting;
8. **AWARDING Costs and Damages** outlined in my **Factum**, including:
    a) General Damages (Pain, Suffering, Emotional and Psychological Harm);
    b) Exemplary (Punitive) Damages (To Deter & Punish Egregious Conduct);
    c) Aggravated Damages (For Humiliation, Stigmatization, and Prolonged Harm);
    d) Nominal Damages (In recognition of Fundamental Rights and Charter Violations);
    e) Special Damages (For negligence, complicity, and participation in Nuisance Harassment against me and my property, since 2021.

9. In support of this relief, I respectfully refer the Court to the following Case Law:

a) **Vancouver (City) v. Ward, 2010 SCC 27**

This leading case on **Charter damages** under **section 24(1)** established a four-step test for awarding damages:

1) A **Charter breach** has occurred;

2) Damages are **appropriate and just**;

3) The purpose is to **compensate, vindicate, or deter**;

4) No countervailing factors exist (e.g. effective alternative remedies).

The Applicant's s. 11(d) rights have been violated, and damages would serve to vindicate the breach and deter future misconduct by the City and other municipalities with similar by-law enforcement policies and practices.

b) **Doucet-Boudreau v. Nova Scotia (Minister of Education), 2003 SCC 62**

Affirms the Court's **broad discretion** under **Section 24(1)** to craft **meaningful, responsive remedies** in the face of government **Charter** violations.

c) **Royal Anne Hotel Co. v. Ashcroft, 1979 CanLII 2776 (BC CA)**

1) Distinguishes nuisance from negligence, confirming that the municipality's non-negligent actions still triggered liability under strict nuisance principles.

2) Relevance - Improper Motive / Bad Faith:
Though the ruling did not address malicious intent, it shows that municipal enforcement—even absent negligence—can impose strict liability for interference with property.

3) Discriminatory Enforcement Argument: By analogy, if the City's by-law application causes similarly harmful interference, this case supports the notion that motive is irrelevant to establishing liability—the interference itself triggers remedy.

4) Demonstrates that harmless intent or lawful purpose is no shield against legal consequences, reinforcing the challenge to biased or selective enforcement as actionable, regardless of motive.

5) Liability for targeting citizen with enforcement in bad faith. Supports claim of improper motive and discriminatory enforcement.

d) **Canada (AG) v. TeleZone Inc., 2010 SCC 62**

Government is not immune from damages for misfeasance or abuse of power. Reinforces

civil liability framework.

e) **Nor-Video Services Ltd. v. Ontario, [1978] 90 D.L.R. (3d) 110 (ONCA)**

Enforcement overreach can create actionable harm even under colour of authority. Validates misuse of discretion claim.

1) **Targeted Enforcement**

The court held liability exists even for interference affecting private enjoyment—need not be negligent or malicious intent; **strict liability for harmful interference applies**.

2) **Improper Motive Not Required**

The focus is on the effect of the defendant's conduct, not the motive. Enforcement actions having harmful impact—even if unintentional—can give rise to liability.

f) **Henry v British Columbia (Attorney General), 2016 BCSC 1038**

Over $8 million awarded in compensation, vindication, and deterrence-based damages to remedy a wrongful conviction stemming from prosecutorial misconduct;

g) **Elmardy v Toronto (City) Police Services Board, 2017 ONSC 2074**

$50,000 awarded to vindicate the claimant's rights and deter racial profiling;

h) **Henebry v Ontario, 2018 ONSC 6584, 2018 ONSC 6584**

$20,000 in vindication and deterrence-based damages ordered to remedy Charter breaches caused by the negligence of correctional officers;

i) **Brazeau v Attorney General (Canada), 2019 ONSC 1888**

$20 million in vindication and deterrence-based damages ordered;

j) **Canada (Attorney General) v. Collins, (2013)**

Establishes the reasonableness standard in administrative compensation;

k) **Henry v. British Columbia, 2015 SCC 24**

Establishes that courts can award aggravated and vindicatory damages under s. 24(1) for especially grievous misconduct by the state, which aligns with framing of the City's enforcement actions as serious constitutional violations;

l) **Fong v. Chan, 1999 CanLII 2052 (ON CA)**
Supports self-represented Applicant's right to recover value for time spent responding to—and defending against—the City's By-Law Administration and Enforcement Actions where such time involved work ordinarily performed by counsel;

m) **Hill v. Church of Scientology of Toronto, [1995] 2 S.C.R. 1130**
Confirmed that reputational harm resulting from false public allegations can justify general, aggravated, and punitive damages, even where the defendant claims privilege. Reinforces the argument that similar municipal enforcement actions—where allegations or orders tarnish reputation without basis—may likewise support awards for dignitary harm and reputational injury.

YOUR HONOUR,
The **Rule of Law** demands **fairness**—and **Justice** demands that **Decision-making Authorities** be held to the **highest standards** of **fairness**, **transparency**, and **accountability**.

YOUR HONOUR,
Yesterday, we celebrated the many blessings of living in our sovereign, free, and democratic Canada—a nation founded on the enduring principles of **Natural Justice**, **Constitutional Rights**, and the **Charter of Rights and Freedoms**.

I was heartened to hear Prime Minister Mark Carney's Canada Day address, reminding us that our nation is governed by the **Rule of Law**.

Today, I am grateful for the opportunity to have presented my case before this Honourable Court.

I place my trust in the Court's wisdom and commitment to justice, assured in the knowledge that the integrity of Ontario's and Canada's justice systems will continue to uphold—and inspire—public confidence.

Thank you, Your Honour, for your time and thoughtful consideration.

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