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December 10, 2017

Jim Watson
Mayor, City of Ottawa
110 Laurier Avenue W
Ottawa, ON K1P 1J1

cc: City of Ottawa Councillors, Ottawa Police Services Board members and Chair, Eli El-Chantiri

Re: Open Letter to Ottawa City Council requesting the personal position of each Councillor on the "Positive obligation to create a policy that Police cannot refuse to give a reason for Police arrest".

Dear Mayor Watson:

Thank you for your public service to our great nation of Canada. Can you please send me a quote re your personal position on whether anyone arrested and assaulted by the Ottawa Police, must on request receive a reason for that arrest and assault?

On February 28, I wrote to all councillors requesting a policy that any victim of police arrest and assault be able to on request receive a reason for that arrest and assault, it is almost one year and you are still refusing to create the requested policy. The only Councillor that responded was Councillor Wilkinson, who promised to look into the issue, I have not heard back therefore, I speculate that the Mayor prevented Councillor Wilkinson from communicating her personal position.

The reason for my speculation is that some years ago, Mayor Jim Watson contacted someone whom I had a financial relationship with and warned the person that if they did not cut financial ties with me, the working relationship with the Mayor's office would be difficult. I want you councillors to know that due to the Mayor's conflict of interest malice against me, you cannot rely on the Mayor to make a rational decision re this policy request.

Unfortunately if Council does not issue the requested policy, the Council is violating s21b Criminal Code party to **Assault, Obstruction of Justice, Extortion**; consequently I would have no choice but to prosecute the City in criminal court. If I permit the status quo then I am responsible for future victims of criminal abuse of power, therefore I have no choice to prosecute your refusal.

Do not seek legal advice from people who think that violating the criminal code is part of their job description, listed below are 12 grounds for your positive obligation to immediately create a bylaw or policy, please read the following yourself and please let me know if you support my policy request.

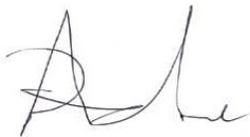
- 1) s21b, s22, s22.2, s25.1(9)(11b), s139(2), s140(1b), s265(1a,b)(3c,d), s346(1.1b), s380(1a), s341, s423.1(b) Criminal Code,
- 2) s2 objects, 6, 9, 10, 16 Canada Victims Bill of Rights,
- 3) s11 s12 s13 s21 s34 Canada Interpretation Act,

- 4) s10 Ontario Interpretations Act,
- 5) s1 Human Rights Code,
- 6) preamble objects s7 s9 s10 s12 s15 Charter of Rights, preamble objects
- 7) s1(a,b,e), s2(a,b,c,e) Canada Bill of Rights against criminal revictimization of victim with mens rae to retain proceeds of crime principle of fundamental justice,
- 8) Rule of law that vested inalienable right to equal protection from racist arrest, assault and extortion cannot be destroyed by government legislation,
- 9) Constitutional Rule of law against absurd statutory or constitutional interpretation,
- 10) Constitutional Rule of law against arbitrary (contrary to objects of enabling Act) application of statutory power,
- 11) Constitutional Rule of law against elevating statutory power above the constitution,
- 12) Constitutional Rule of law against using statutory public power in bad faith.

For more information please visit: www.adeolumide.ca or <https://adeolumideonline.files.wordpress.com/2017/12/beverleymclachlinparttwo.pdf>

I look forward to your response.

Sincerely,



Ade Olumide

References

Canada Bill of Rights 2 ... no law of Canada shall be construed or applied so as to
 (a) authorize or effect the **arbitrary detention**, imprisonment or exile of any person; ...
 (c) deprive a person who has been **arrested or detained**
(i) of the right to be informed promptly of the reason for his arrest or detention,...

Canada Victims Bill of Rights; Security 9 Every victim has the right to have their **security considered by the appropriate authorities** in the criminal justice system.

Protection from intimidation and retaliation 10 Every victim has the right to have reasonable and necessary measures taken by the appropriate authorities in the criminal justice system to protect the victim from **intimidation and retaliation**.

Charter of Rights; Life, **liberty and security** of person 7. Everyone has the right to life, **liberty and security** of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. ... **Detention** or imprisonment 9. Everyone has the right not to be **arbitrarily detained** or imprisoned. Arrest or detention 10. Everyone has the **right on arrest or detention** (a) to be **informed promptly of the reasons therefor**; ...

R. v. Zlatic, [1993] 2 SCR 29, 1993 CanLII 135 (SCC) ... (i) **Fraud by "Other Fraudulent Means"**... However, the third category of "other fraudulent means" has been used to support convictions in a number of situations where deceit or falsehood cannot be shown. These situations include, ... **non-disclosure of important facts, exploiting the weakness** of another, .. Dishonesty is, of course, difficult to define with precision. It does, however, connote an **underhanded design** which has the effect, or which **engenders the risk, of depriving others of what is theirs**. J. D. Ewart, in his *Criminal Fraud* (1986), defines dishonest conduct as that "which ordinary, decent people would feel was **discreditable** as being clearly **at variance with straightforward or honourable dealings**" The dishonesty of "other fraudulent means" has, at its heart, the **wrongful use of something** in which another person has an interest, in such a manner that this **other's interest is extinguished or put at risk**. A use is "wrongful" in this context if it constitutes conduct which reasonable decent persons would consider **dishonest** and **unscrupulous**...it is **unnecessary for a defrauding party to profit from his or her fraud** in order to be convicted; it is equally **unnecessary that the victims of a fraud suffer actual pecuniary loss** in order that the offence be made out:

R. v. Davis, [1999] 3 S.C.R. 759 45 .. Extortion criminalizes intimidation and interference with freedom of choice. It punishes those who, through threats, accusations, menaces, or violence induce or attempt to induce their victims into doing anything or causing anything to be done. Threats, accusations, menaces and violence clearly intimidate: see R. v. McCraw, [1991] 3 S.C.R. 72, at p. 81; R. v. Clemente, [1994] 2 S.C.R. 758, at pp. 761-62. **When threats are coupled with demands, there is an inducement to accede to the demands. This interferes with the victim's freedom of choice, as the victim may be coerced into doing something he or she would otherwise have chosen not to do. ...**

Rizzo & Rizzo Shoes Ltd. (Re), [1998] 1 SCR 27, 1998 CanLII 837 (SCC) 27 consequences...are **incompatible with both the object of the Act**..It is a well established principle of statutory interpretation that the legislature does not intend to produce **absurd consequences**. According to Côté, supra, an interpretation can be considered absurd if it leads to **ridiculous or frivolous consequences, if it is extremely unreasonable or inequitable, if it is illogical or incoherent, or if it is incompatible with other provisions or with the object** of the legislative enactment ... Sullivan echoes these comments noting that a label of **absurdity** can be attached to interpretations which **defeat the purpose of a statute** or render some aspect of it pointless or futile ...

Roncarelli v. Duplessis 1959 CanLII 50 (SCC), [1959] S.C.R. 121,**there is no such thing as absolute and untrammelled "discretion"**, that is that action can be taken on **any ground or for any reason** ...; no legislative Act can... be taken to contemplate an unlimited arbitrary power exercisable for any purpose, however capricious or irrelevant, regardless of the nature or purpose of the statute. ... "Discretion" necessarily implies good faith in discharging public duty; ... **any clear departure from its lines or objects is just as objectionable as fraud or corruption**.

Gosselin v. Québec (Attorney General), [2002] 4 SCR 429, 2002 SCC 84... [319] ... rights include a **positive dimension**, such that they are not merely rights of non-interference but also what might be described as **rights of "performance"**, then they may be **violable by mere inaction**...

Freeman v. Canada (Citizenship and Immigration), 2013-10-23, 2013 FC 1065, IMM-6304-12, "good faith" means "... **carrying out the statute according to its intent and for its purpose**; ... not with an **improper intent** ... "good faith" does not mean ... **punishing a person for exercising an unchallengeable right**" and "**it does not mean arbitrarily and illegally attempting to divest a citizen of an incident of his civil status**"... "**acts that are so ... inconsistent with ... legislative context that a court cannot ...conclude that they were performed in good faith**". ... evidence of

bad faith is not required. It can... be inferred from the **surrounding circumstances....** that **absence of good faith can be deduced and bad faith presumed**”:

JTI-Macdonald Corp. v. AGBC, 2000 BCSC 312 (CanLII) THE RULE OF LAW [118] That unwritten constitutional principles form part of the fabric of the Canadian Constitution is clear. As expressed by Chief Justice Lamer, the provisions of the preamble to the Constitution Act, 1867 provide "**organizing principles**" that may be used to "**fill out gaps** in the express terms of the constitutional scheme [136]... The principle of the sovereignty of Parliament requires **judicial obedience to the strict terms of the statute**. In the process of applying a statute, however, **uncertainties concerning its scope or effect in particular circumstances are bound to arise**. The rule of law requires that these uncertainties be resolved, so far as possible, in a manner which would most **conform to the reasonable understanding of the subject to whom the statute is primarily addressed**. Implicit in this understanding is the expectation that **Parliament will conform to the generally accepted notions of fairness and justice** -- that punishment will not be authorized for acts which were not known to be unlawful when committed, that vested rights will not be destroyed without reasonable compensation, that the **powers of officials are to be limited by proper respect for the liberty of the citizen**. "If the words are not conclusive in themselves, the reasonableness or otherwise of the construction contended for has always been recognized as a **matter fairly** to be taken in account"..147] ... one law for all" concept based on the rule of law providing the law be supreme over both the acts of government and private persons:...[228]...The process of interpreting a statutory provision that is susceptible of more than one meaning was traditionally governed by the basic precept that the Court's function is to **discover the intention of the legislature**. In a case in which the ordinary rules of construction yield two equally plausible meanings, policy considerations are a factor in resolving the conflict. In constitutional cases before the Charter this was reflected in the practice of interpreting statutes by applying a presumption that **a legislative body does not intend to exceed its powers under the Constitution**.

Allard v. Canada, 2016-02-24, 2016 FC 236, T-2030-13....principles of fundamental justice ... overbreadth ... gross disproportionality ...a law that takes away rights in a way that generally supports the object of the law, **goes too far by denying the rights of some individuals in a way that bears no relation to the object...grossly disproportionate effect on one person is sufficient to violate the norm...** effect actually undermines the objective”