

DATE: 19<sup>th</sup> February 2010.

Gana Kiritharan,  
307 – 10 Stonehill Court,  
Scarborough, Ontario, M1W 2X8  
Tel: 416-820-8581

Your Reference # : M09 - 01975

TO: Attorney General of Ontario,  
Ministry of Attorney General  
McMurtry-Scott Building,  
720 Bay Street, 11<sup>th</sup> Floor  
Toronto ON M5G 2K1

Dear Sir / Madam,

Re: Claim of Miscarriage of Justice in Kiritharan vs TD Canada Trust (07 – CV – 341987PD 2)

I Gana Kiritharan one party in above mentioned Civil Case, filed in Toronto Court house of Ontario Civil Court (also victim in Toronto Police Services Fraud Complain # 2529262). I would like to bring your kind attention of incidents happened during my Civil Case (also experience incurred during criminal complaint) which I claim as serious ethical failure in our Judiciary which eventually lead above issue to present status, which I would claim as miscarriage of justice.

Though appeal may consider as more appropriate for some court orders in my civil case, I chose not to do so for following reasons.

- a. I do not have enough money to continue the civil proceeding.
- b. I found extremely difficult to obtain necessary legal advice. (Please find letter to Upper Canada Law Society.)
- c. Ontario Judiciary has necessarily or unnecessarily created a question that when there is evidence to suspect a commission of crime in a bank or by a bank, whether it is responsibility of criminal section or civil section to investigate and bring justice to the victims. I believe finding an answer for this question beyond my resources and responsibility. I am calling for a public enquiry to find answer to this question.

I would like to ask you to appoint a senior judge to review my civil case and criminal complaint to analyze whether there is any serious violation of fair trial and ethical principle of our judicial system. Based on results of such a review I would call for a public enquiry.

Details of Incidents Happened in my Civil Case (For more detail of each incident please see copy of letter addressed to Canada and Ontario Judicial Council:

1. In Civil Court following incidents had happened which I feel either inappropriate practice by Court officials or they failed in their ethical principles;
  - A. On the day on first telephone case conference (February 20<sup>th</sup>, 2008) there was a communication between TD Canada Trust lawyer and Superior Court Master in absence of myself, also I was experienced unprofessional treatment by superior court registers. This may happened because of spread of illegally obtained psychiatric diagnosis regarding myself between law professionals.
  - B. At the end of the Motion on November 12<sup>th</sup>, 2008, I was informed by Master Birnbaum that she will issue her court order in writing. I received the court order around January 20<sup>th</sup>, 2009, that is 2 months and one week after the motion date. When I brought some error on the court order I received an amended court order around February 17<sup>th</sup>, 2009 (3 months and 5 days after motion date) and found that it is signed using the date January 19, 2009 or law officials just inserted the previously signed 3<sup>rd</sup> page of court order after amended page 1 and 2 (Tap 7, Page 143 – 150).

- C. Court Order issued at end of the motion November 12<sup>th</sup>, 2008 may have some contradicting orders regarding responsibility of civil court when there is a commission of crime.
  - D. During the motion on November 12<sup>th</sup>, 2008, and on motion for summary judgment on July 14<sup>th</sup>, 2009 defendant TD Canada Trust submitted several edited evidences and misleading information to the court. Though I brought this issue to the attention to the court, court has issued court orders based in such misleading information. Details of such misleading information are presented in tab 3 (Pages 49 – 55, also Pages 24 – 26, 27 – 34, 35 – 43, and 29, 30 and 130.)
  - E. During the motion on November 12<sup>th</sup>, 2008, and on motion for summary judgment on July 14<sup>th</sup>, 2009 also for the Police Complaint (Fraud Complain # 2529262) filed with the Toronto Police Services I provided with evidences to suspect a commission of crime in accounts managed under my name, also provided necessary legal arguments which were best for my intellectual capacity. Unfortunately in all instances the law professional failed to accept my evidences and refused order or carry out a proper criminal investigation. Details of such evidences are presented in tab 2 (Pages 17 – 47)
  - F. For the motion of November 12<sup>th</sup>, 2008, though defendant failed to produce a cost details I was ordered to pay 1000.00 dollars to the defendant. Also at the end of motion for summary Judgment on July 14<sup>th</sup>, 2009, only after requested for cost details defendant provided a copy of their cost details to me at the motion and then provided a copy to the Judge. Then Hon Justice Moore briefly explained what defendant asking for the cost and asked whether I want 2 minute to discuss about cost with defendant. As I afraid unnecessary confrontation I declined such offer. Based on defendant request I was asked to pay 5,000.00 dollars for whole proceeding. When analyzing the cost details submitted at motion for summary judgment I found that I may have been billed twice for the motion happened on November 12<sup>th</sup>, 2008. I brought this issue to the assessment officer C. Chiba on 4<sup>th</sup> of September 2009. She failed to take any action regarding this.
2. I also would like to bring your attentions the issues which I claim as mistakes by Toronto Police Services which lead to the present status (Miscarriage of Justice).
- A. Though I submitted enough evidence to suspect a commission of a crime, Toronto Police Services failed to initiate a criminal investigation. Though I was informed by TPS that this is a civil case, I feel it is a mistake and only a criminal investigation will bring out the truth.
  - B. Secondly I want to identify that defendant (TD Canada Trust) attempt to mislead the court by deliberately concealing my account details and other banking documents and Toronto Police Services failure to take action against this behavior as the reason for the present status. Please find details of attempt to mislead the court in tab 3 (Pages 49 – 55, also Pages 24 – 26, 27 – 34, 35 – 43, and 29, 30 and 130.)  
I also found that defendant lawyers claim of hours for time for November 12<sup>th</sup>, 2008 motion increased by 6.2 hours after completion of motion. If the reason for this is not negligent, then the costing details may be prepared fraudulently or defendant lawyer may have spend 6.2 hours discussing the issue with somebody after completion of the motion. (Tab 9 Pages 171 & 176)
  - C. I also want to state that an illegally obtained and circulated psychiatric diagnosis about my mental condition between legal professional and possibly also between Toronto Police Services as the reason for the present status.
3. I also like to bring your attention the experience incurred when I searched for lawyers, which I claim as failure in delivering Legal advice for the people when needed. (Please see letter addressed to Upper Canada Law Society for more details)
- A. Though I had talked to more than 10 lawyers in Toronto Area regarding above mentioned issue I paid some money only for following paralegal personnel and his lawyer. I believe I failed to

receive proper service from this paralegal personnel and his lawyer. Please see letter to Upper Canada Law Society for more details.

The Contact Information of this Paralegal Personnel and his lawyer as follows:

Mr. Henry Nicolas  
CB Associate and Consultants,  
2390 Eglinton Avenue East, Suite 202-A  
Toronto ON M1K 2P5  
His Lawyer: Peter (?Connolly)

(This lawyer never met me directly or talked to me on phone or never gave me a business card or other communication details.)

- B. As I mentioned earlier circulation of an illegally obtained psychiatric diagnosis between Law professional may be the reason for the out come of present status.
- C. I was informed by few lawyers in Toronto area and by Toronto Police Services that this is a civil case. I feel it is a mistake because of confusion in the law and as a result I was forced to carry out a criminal investigation in civil court in which I was not successful.
- D. When reading some legal books I read that "Lawyer Profession is a part of Judiciary – not just a money making profession". But when I searched for lawyers I found it is impossible to find a lawyer unless you have enough money. I applied for legal aid but my application turned down. Though this case is a good case for contingent fees basis I failed to find a lawyer on that basis. Though I received some help at Legal Aid supported lawyer advises, the advice received from there totally insufficient for this case. I believe it is responsibility of Ontario Attorney General to solve this issue.

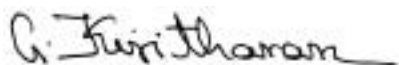
I believe it is very unfortunate that documentary evidence to suspect commission of crime is filed with Ontario Judiciary (Civil and Criminal) but every body trying to dismiss the evidences and my claims as delusions but willing to make decisions (judicial and medical) based on misleading information submitted by the bank. I experienced more trauma when asked for justice than the one created by the fraud itself.

In total I claim I am a victim of mistake some thing similar to Walkerton (Ontario) E-Coli disaster. My Questions for Ontario (also Canada) Judiciary are following. When a person (victim) came up to the judiciary and complaint he is victim of fraud and produce some documents as evidences;

- a. How Judiciary should evaluate such evidences?
- b. If the suspected fraud is in a bank or by a bank, which section of a judiciary should deal the issue?
- c. If the initial evaluation of evidences confirms that there is reason to suspect commission of crime, then what are the measures in judiciary to collect more evidences from suspected criminals?
- d. If suspected criminal is a bank, then is there any change in procedure to collect more evidences?

Whether our judiciary has a well defined procedure for above situation, and followed such procedure in my case? Or as in Walkerton case our Judiciary also a department runs in grandparenting licensing system which tries to make decisions (or Judgments) by concealing evidences and misleading public.

Yours truly,



Gana Kiritharan.