

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

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

TO: Law Society of Upper Canada,  
Osgoode Hall,  
130 Queen Street West,  
Toronto ON M5H 2N6

Dear Sir / Madam,

Re: Difficulty Experienced in Obtaining Legal Advice  
(Civil Case: Kiritharan vs TD Canada Trust (07 – CV – 341987PD))  
(Toronto Police Services Fraud Complaint # 2529262)

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 Complaint # 2529262. I would like to bring your kind attention the difficulty I experienced in obtaining legal advice in above mentioned issue.

1. Though I had talked to more than 10 lawyers in Toronto Area regarding above mentioned issue I paid some money only for one paralegal personnel and his lawyer. I believe I failed to receive proper service from this paralegal personnel and his lawyer. The experience with them as follows:

a. Though I contacted him before regarding this issue, I went there around September 2007 with an intention to get help on drafting the pleadings.

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. When I went there, I already made enough communication with TD Canada Trust and I may had a dead line on 19<sup>th</sup> of October 2007. I informed these issues to Mr. Henry Nicolas and requested his help on drafting the pleadings.

c. Mr. Henry Nicolas after talking to his lawyer informed me his lawyer has advised him that it is better to communicate with TD Canada Trust through lawyer and asked me CAD \$ 350.00 as fees for such communication and I paid this fee on 7<sup>th</sup> of September 2007. Mr. Henry Nicolas also informed me his lawyer may take this issue on contingent fees basis.

d. Though Mr. Henry Nicolas promised to give me copies of all communication between his lawyer and the bank, I failed to receive any thing until October first week.

e. When I demanded explanation around first week of October 2007, Mr. Henry Nicolas faxed some documents to TD Canada Trust in front of me and received some account details from TD Canada Trust on 12<sup>th</sup> October 2007.

- f. I brought to the attention of Mr. Henry Nicolas that the documents received by him may have been already received by me from TD Canada Trust and we only need explanation for a transaction in my Line of Credit with TD Canada Trust on 19<sup>th</sup> of October 2005. That is:

Date	Trans Description	Trans Amount	Balance
10/19/2005	Collection Item	11,611.72 CR	
10/19/2005	Close Account	0.00 DR	0.00

- g. Mr. Henry Nicolas informed me he requested explanation from bank and may receive an explanation at any time.
- h. But I failed to receive any explanation until 15<sup>th</sup> of October 2007. When I called Mr. Henry Nicolas on evening of that day and asked me to help with drafting the pleadings, Mr. Henry Nicolas informed me if bank failed to explain above (in para f.) transaction no lawyer ready to help me with drafting with pleadings.
- i. Then I faxed a letter of termination of service to Mr. Henry Nicolas on 16<sup>th</sup> of October 2007 and with the assistance received at Toronto Civil court on 17<sup>th</sup> of October 2007, I drafted the pleading and filed the civil claim on 18<sup>th</sup> of October 2007.
- j. After couple of request around 28<sup>th</sup> of October 2007, Mr. Henry Nicolas forwarded the communication with TD Canada Trust to me.
- k. As the forwarded details were not included any communication before 12<sup>th</sup> of October 2007 or the communication made between his lawyer and the bank, I requested more information from Mr. Henry Nicolas but failed to receive any additional information.
- l. During this time, one day, while I was talking with Mr. Henry Nicolas he received a call from his lawyer Mr. Peter. After talking to Mr. Peter, Mr. Henry Nicolas informed me Mr. Peter received an assurance from TD Canada Trust personnel that my account details will be provided next day.
- m. Also another day, when Mr. Peter called Mr. Henry Nicolas, Mr. Henry Nicolas informed Mr. Peter that I (Gana Kiritharan) am interested in talking with him. But Mr. Peter failed to talk to me. He never met me directly or provided his contact information. His last name (Connelly) was obtained during a communication with Mr. Henry Nicolas' office but Mr. Henry Nicolas failed to (or refused to) confirm it.
- n. Few days after termination of contact with Mr. Henry Nicolas, I met Mr. Kandiah Nathan through whom I got the contact of Mr. Henry Nicolas at TTC Warden Subway station. On that day Mr. Kandiah Nathan informed me Mr. Henry Nicolas showed him some account details received from TD Canada Trust regarding my accounts, also suggested me that I am suffering from some psychiatric problem that why I am making such complaints against the bank.

Contact Information for Mr. Kandiah Nathan as follows;

Mr. Kandiah Nathan (Financial Service Representative)  
Millennium Financial Services,  
2390, Eglinton Ave E, Suite 210  
Scarborough ON M1K 2P5

2. Spread of illegally obtained psychiatric diagnosis between Law professional.

During my search for lawyer for above issue, I experienced lawyers or other associated people telling me that I am a psychiatric patient or they treated me in an unprofessional manner. I explained one such incident above in paragraph 1.n.

In another incidents when I went to lawyer's office of Mr. Nathan Sritharan around December 2006, Mr. Nathan Sritharan with out looking at the evidence which I saw him

that I am victim of fraud, started to tell me that I am suffering from Psychiatric problems that is why I am feeling I am a victim of Fraud. His contact information as follows:

Mr. Nathan Sritharan,  
Suite 309, 305 Milner Avenue,  
Scarborough ON M1B 3V4

Around July 2008 I came to know I was diagnosed with “Delusional Disorder of Persecutory Type” by Canadian Psychiatrist and I made this diagnosis public when I received it. Any Psychiatric diagnosis received by legal professional before July 2008 may obtained illegally. I feel even above diagnosis is a mistake and any treatment based on such diagnosis came as unnecessary harassment for me. Though I tried to contact legal professional to know whether they received any illegally obtained diagnosis I failed to receive any appropriate answer.

3. 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. To support my opinion I want to give following references:

A. I want to make a reference to Common Law case which may be appropriate here. (Tap 7 Page 115 of this record.)

The words of Lacourciere J, then Ontario High Court, Application under Rule 6 of the Criminal Appeal Rule to quash a search warrant, in *Regina v. Movat, Ex Parte Toronto-Dominion Bank* [1967], [1968] 2 C.C.C. 374.,

“I do not want to be understood as stating that banks are in all cases exempt from search and seizure under s.429; a bank suspected of a criminal offence would be subject to search and seizure of its books and records;”

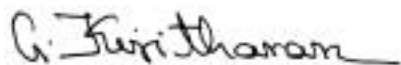
B. Also at the motion on November 12<sup>th</sup>, 2008, I requested the civil court to order that there are enough evidences to suspect that there was a commission of crime in accounts managed under the name of Plaintiff (Gana Kiritharan or Kiritharan Kanagalingam) in Defendant bank (TD Canada Trust).

When responding to this request civil court said that “There is no relief this court can find or grant on this motion today. This is civil, not a criminal, court.”

4. 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.

Though Upper Canada Law Society not fully responsible for this issue, I believe Upper Canada Law Society should work with other judiciary departments to make sure that legal services is available for all Canadian Residents when it needed.

Yours truly,



Gana Kiritharan.